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President: Mr. Ismat T. KITTANI (Iraq).

AGENDA ITEM 130

Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security

1. The PRESIDENT: As I announced at the 51st meeting, I propose that the list of speakers for the debate on this item be closed at 5 o'clock this afternoon. If I hear no objection it will be so decided.

It was so decided.

2. The PRESIDENT: The representative of Israel has asked to speak on a point of order. I call on him.

3. Mr. BLUM (Israel): Mr. President, on a point of order I should like with your permission respectfully to inquire about the appropriateness of your presiding over this item. I think that representatives will readily agree that there is something slightly incongruous about a debate being chaired by a President who comes from the country which is the main protagonist. Representatives will also not have overlooked the fact that when the item now before the Assembly was discussed in the Security Council last June the President was personally involved and indeed took a prominent part in presenting Iraq's complaint about my country.

4. In the circumstances, therefore, and with all the respect due to the presidency, I wonder if in the interests of elementary fairness the President should not hand over the conduct of this item to one of the Vice-Presidents.

5. The PRESIDENT: Rule 71 of the rules of procedure of the General Assembly reads as follows:

"During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion."

That is the rule applicable to this point of order.

6. The representative of Israel has raised a specific, concise point of order: he has questioned whether it is appropriate for me to preside over this—or indeed any other—item. My ruling is that it is appropriate. The fact that the President has other capacities and speaks in other capacities during his career has nothing to do with the conduct of business in this Hall. I leave it to the judgement of the Member States and the Assembly as a whole to decide on past practice thus far in the thirty-sixth session, or when the present debate is concluded, whether the President has conducted the affairs of the Assembly impartially, fairly and in an appropriate manner, or otherwise.

7. That is my ruling and it will stand, under rule 71, unless there is an appeal against it.

8. The ruling stands.

9. I might simply add that the fact that I at any time relinquish the Chair to one of the Vice-Presidents should in no way be interpreted to mean that there is a question about my judgement or fairness in the conduct of my duties.

10. Mr. AL-ZAHAWI (Iraq): On 7 June 1981, when American-supplied Israeli aircraft bombarded the Iraqi nuclear installations near Baghdad, a new and ominous chapter was opened in the annals of armed aggression. The aerial attack was not a military action in a bilateral conflict, nor should it be considered strictly within the context of the long-standing Zionist aggression against the Arab nation. It was not simply yet another Zionist act of State terrorism violating the Charter of the United Nations and endangering international peace and security; the damage done extended far beyond the nuclear facilities near Baghdad, and the implications are far more threatening. The Zionist act of aggression was also an attack against IAEA, the international safeguards system, the Treaty on the Non-Proliferation of Nuclear Weapons [resolution 2373 (XXII), annex] and the internationally established principles concerning the peaceful uses of atomic energy. Above all, it was the first time in history that a nuclear facility was made the target of a military attack. A dangerous precedent has been established. The attack has escalated the odds of a nuclear war being unleashed by adding the new dimension of a pre-emptive strike. The Tel Aviv régime has given the world yet another push towards anarchy and ultimate annihilation.

11. Iraq has already presented to the Security Council and to the General Assembly a detailed account of its endeavours to utilize nuclear energy for peaceful purposes within the framework of its comprehensive national development plan and in full accord with existing internationally accepted standards.

12. In view of the special importance it attaches to international co-operation in the field of atomic energy, Iraq has concluded bilateral agreements with several States. All those agreements are in full conformity with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA safeguards system. The co-operation agreement on the peaceful use of nuclear energy, signed on 8 November 1975 by France and Iraq, is subject to both bilateral and international non-proliferation arrangements. In this connection I should like to state the following relevant facts.

13. First, France, although not a signatory to the Non-Proliferation Treaty, has repeatedly stated that it will behave as if it were a party to the Treaty. It has made it amply clear that it will ensure that sound non-proliferation measures are applied to nuclear technology transfer to any second party.

14. Secondly, the Franco-Iraqi agreement explicitly calls for the application of IAEA safeguards to all nuclear material and equipment transferred under the agreement. These safeguards shall continue to be applied whether or not Iraq continues to be a party to the Non-Proliferation Treaty.

15. Thirdly, Iraq, for the purpose of implementing this agreement, has accepted measures beyond those called for by the Treaty requirements, such as physical protection measures on all materials and equipment supplied by France. EURATOM, as well as IAEA, is aware of these arrangements.

16. Fourthly, in addition, Iraq and France have also signed an agreement on co-operation in peaceful nuclear research, the main purpose of which is to utilize jointly the facilities that were being built by France in Iraq. This arrangement would have resulted in the continuous presence of French personnel on the nuclear site had the reactor become operational.

17. In spite of these security arrangements, France and other countries which had concluded co-operation agreements with Iraq were subjected to a campaign of vile attacks and pressures. The severity of the campaign during the summer of 1980 prompted Mr. Jean François-Poncet, then Foreign Minister of France, to question the reasons for the campaign. He issued a statement on 17 July 1980 which listed 34 other countries, including Israel, which to that date had imported 78 research reactors of the same type operating on enriched uranium. Most of those reactors were of American construction. On 29 July of last year the French Government issued another statement expressing astonishment at the fabricated accusations being levelled against it for its co-operation with Iraq. It reaffirmed that the co-operation of the French Government with Iraq was carried out with perfectly legitimate objectives and was covered by all the necessary safeguards.

18. The Zionists did not limit themselves to waging this vicious verbal campaign against Franco-Iraqi co-operation, the Non-Proliferation Treaty and the safeguards régime of IAEA; they resorted to acts of terrorism, intimidation, sabotage and assassination in order to obstruct

Iraq's peaceful nuclear programme. The following are examples of the criminal acts committed by the Zionists against our personnel and our installations:

—In 1979 Zionist agents committed acts of sabotage in France, exploding equipment destined for shipment to Iraq;

—In 1980 the Egyptian physicist, Dr. Yahia Al-Meshad, who was working for the Iraqi Government, was assassinated in Paris. Two other Iraqi scientists have died in mysterious circumstances at Geneva and in Paris;

—French and Italian experts, and their families, who were working on projects in Iraq received letters threatening them with assassination unless they stopped working on those projects. Bombs were planted and exploded in some offices in Rome;

—On 27 September 1980, Israeli planes staged a preliminary attack on our nuclear centre;

—Furthermore, the Zionists violated the integrity of the safeguards system and the principle of confidentiality which is essential to its operation by recruiting the services of an Agency safeguards inspector, a Mr. Roger Richter, who had not been designated as an inspector for Iraq, to pass on confidential Agency documents to a United States congressman. The Director General pointed out the seriousness of this case to the Board of Governors on 6 July 1981. The man was summarily dismissed from the Agency's service on the grounds of serious misconduct. The Director General also gave instructions for an urgent and thorough review of the whole pattern of security and confidentiality of safeguard material and documentation. The case provides another example of the Zionists' efforts to undermine the effectiveness and the credibility of the Agency and its safeguards régime.

19. The Zionists' campaign of terror culminated in the armed attack of 7 June on the Iraqi nuclear installations. On 9 June the Director General of IAEA stated, in relation to that act of aggression, before the Agency's Board of Governors:

"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 recent period of armed conflict with Iran. The last safeguards inspection at the Iraqi nuclear centre took place in January of this year, and all nuclear material there was satisfactorily accounted for. This material included the fuel so far delivered for the Tamuz reactor."

20. The next inspection was due to take place in July, but it was not carried out because of the Israeli aggression. The Director General informed the Assembly at the 50th meeting that, according to information he had received from the Iraqi authorities, it now seems reasonably safe to approach the reactor site, and the Iraqi authorities are accordingly prepared to receive the Agency's inspectors at any time the Agency desires to send them. He also informed the Assembly that the Agency would be sending an inspection team to Baghdad very shortly.

21. We thank Mr. Eklund for his statement and for the information he gave to the General Assembly. We propose that he be invited to address the Assembly on this item to give his views on the matter before us, the implications of

the Israeli attack for the future of IAEA and its safeguards and the peaceful uses of nuclear energy. He may also have something to tell us concerning the attacks made by the Israelis on the Agency in document A/36/610.

22. In contrast to the peaceful nature of the Iraqi programme for the use of nuclear energy, the founders of the Zionist entity had conspired from the very beginning to acquire nuclear weapons to guarantee their domination of the entire Middle East through the establishment of "Greater Israel". The full details of the development of the Israeli nuclear programme have been placed before both the Security Council and the General Assembly by the Foreign Minister of Iraq. Ample evidence of Israel's nuclear capability has been presented. Suffice it to mention that the Central Intelligence Agency [CIA] itself, in a memorandum dated 4 September 1974 and released on 26 January 1978, disclosed its conclusion that Israel had produced atomic weapons. I refer to Ernest Lefever's report, *Nuclear Arms in the Third World*.¹ In the report submitted by the Group of Experts to Prepare a Study on Israeli Nuclear Armament at the request of the Secretary-General [A/36/431], further details concerning the nuclear arms capability of Israel are documented.

23. Mr. Shamir, the ex-leader of the notorious terrorist Stern Gang and now the Foreign Minister of Israel, in his statement in the general debate objected to the formulation of the item before us, alleging that it prejudices the outcome of the debate. The Zionists should be made aware of the fact that the Israeli armed attack against Iraq has already been universally condemned as unjustifiable, unprovoked and absolutely impermissible. When Iraq brought its complaint before the Security Council, more than 50 speakers participated in the debate. The representative of Mexico, who was the President of the Council, commented:² "Few times have so many voices been raised to express the same things: alarm, indignation and condemnation".

24. My delegation could not do better than refer to his excellent summary of the statements, which, as he said, "clearly show the convergence of views of the spokesmen of the international community". The summary was made in the following 15 points.

—First, the military action which the Council considered was an act of aggression under the terms of General Assembly resolution 3314 (XXIX), which embodied the definition of aggression. The illegality of that act was compounded by the violation of the air space of two Member States of the United Nations.

—Second, the attack was totally unjustified, since the aggressor State offered no proof that the Iraqi installations were for military purposes. On the contrary, the competent international organization and the States which worked on and implemented the project gave conclusive evidence regarding its purely peaceful nature and objectives.

—Third, the suspicion invoked by Israel, which came from doubtful confidential sources of information, did not authorize it to commit aggression. If the aggressor had truly felt a threat to its integrity, it had effective multi-lateral and bilateral recourses available to it in order to avoid that threat.

—Fourth, the reasons on which Israel bases its contention concerning self-defence are as unacceptable under the Charter as the act of aggression it committed.

—Fifth, the absence of formal relations between States in no way justifies acts of aggression. Invoking a supposed state of war to conceal such actions does not constitute a valid legal argument either. The Charter's prohibition of the use of force is a categorical obligation.

—Sixth, Israel's attack was not an isolated act but rather the climax of escalating violations of international law which included 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.

—Seventh, the Israeli act of aggression is evidence of a rejection of peaceful means for the solution of the conflicts in the Middle East.

—Eighth, 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.

—Ninth, aggression against a country that is not a member of any military pact or alliance damages non-alignment, and, were it to go unpunished, it would call into question the sovereign viability of nations.

—Tenth, the warlike initiative by Israel undermines the foundations of the disarmament process and challenges the non-proliferation régime which has been so carefully built up by the international community. While Israel is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons, it took the liberty of attacking Iraq, which has submitted scrupulously to the existing safeguards régime.

—Eleventh, the Israeli action demonstrates contempt for the authority of IAEA, and by casting aspersions on the effectiveness of that Agency, Israel has proved its contempt for the United Nations system. Israel is attacking not only the security of a State but the very principle of international security.

—Twelfth, given that the Iraqi installations were a result of the protracted 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.

—Thirteenth, the argument put forward that a country with oil has no reason to gain access to alternative sources of energy contradicts the aims which the international community has set for itself.

—Fourteenth, the continuous violations committed by the aggressor Government call into question the political and economic relations based on goodwill which many countries maintain with the people of Israel. That explains the fact that many condemnations came from Governments which are friendly to the Israeli nation. Out of respect for the basic principles of international coexistence, it is unacceptable that ties of co-operation with any country should serve as encouragement for or the instrument of policies of expansion and aggression.

—Fifteenth, the view of the international community was unanimous, as was 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 called on the Council 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 present conflicts.

25. It is well known to all why the Security Council failed to adopt those effective measures. The United States of America was responsible for that failure because it threatened to use the veto, in spite of the fact that the Council had warned Israel on previous occasions that the provisions of Chapter VII of the Charter of the United Nations would be applied should it again resort to committing acts of aggression. The responsibility of the United States does not end there. Had it not been for the unlimited American support, Israel would not have been able to persist in its aggressive policies. Need one recall the charade of the suspension of the delivery of a few fighter planes to the aggressor while the American Administration went through the motions of investigating whether Israel had violated American laws concerning the conditions set forth for the use of American arms? Israel was not deterred, as it promptly launched yet another dastardly and unprovoked act of aggression against the innocent civilian population in the heart of the Lebanese capital. Instead of chastising the aggressor, the United States rewarded Israel by duly lifting the embargo and announcing an agreement on strategic collaboration with Israel.

26. In view of the fact that the Security Council was prevented from fully shouldering its responsibility under the Charter in dealing with the Israeli act of aggression, the General Assembly is called upon to remedy the situation within its competence under the Charter and to try to restore the dignity of the Organization, especially considering that Israel has rejected the unanimous decision of the Council in its resolution 487 (1981).

27. The General Assembly should strongly condemn Israel for its act of aggression. It should again call upon all States to cease forthwith any provision to Israel of arms and related material of all types which enable it to commit acts of aggression against other States. We should request the Security Council to investigate Israel's nuclear activities and the collaboration of other States and parties in those activities. The Assembly should also reiterate its request to the Council to institute effective enforcement action so as to prevent Israel from further endangering international peace and security. The Assembly should solemnly warn Israel to cease its threats and the commission of armed attacks against nuclear installations.

28. My delegation firmly believes that if the Council is prevented yet again from adopting effective measures against Israel under the relevant provisions of the Charter, action should be instituted whereby the Assembly could pronounce itself on the question.

29. Finally, I should like to reaffirm from this rostrum that Iraq will never succumb to attempts at intimidation and pressure. The Zionist act of aggression against our installations has only strengthened our resolve to defend our rights and the rights of the Arab people as a whole. We shall redouble our efforts to attain the technological and scientific advances that are necessary to ensure a future of dignity and prosperity for generations to come.

30. Mr. BLUM (Israel): On 7 June 1981 Israel performed an elementary act of self-preservation. The agonizing decision to destroy Osirak was taken only when it had become absolutely certain that the Iraqi nuclear reactor was on the verge of going operational, with a view to producing nuclear weapons, the principal target of which would have been Israel. By neutralizing Osirak Israel was exercising its inherent right of self-defence, as understood in general international law and as preserved in Article 51 of the Charter.

31. A threat of nuclear obliteration was being developed against Israel by Iraq, one of Israel's most implacable enemies. Authoritative foreign governmental and professional assessments had long indicated an awareness of our concern about Iraq's nuclear programme. For several years Israel had tried to have that threat halted by diplomatic means. Our efforts bore no fruit. Ultimately we were left with no choice. We were obliged to remove that mortal danger. The Middle East has since become a safer place. People in various parts of the world, beyond the Middle East, are sleeping more soundly today in the knowledge that Saddam Hussein al Takriti's nuclear arms potential has been removed.

32. As the case of Iraq has demonstrated, the Treaty on the Non-Proliferation of Nuclear Weapons cannot prevent a country like Iraq, bent on the destruction of Israel, from acquiring all the components required for the development of nuclear weapons. Israel has long believed in a different, more constructive approach, aimed at removing the nuclear threat to the Middle East. We advocate the establishment of a nuclear-weapon-free zone in the Middle East, grounded in a multilateral treaty reached through direct negotiations among all the States concerned. Now is the time for the Organization to advance the cause of non-proliferation and peace in the Middle East, instead of engaging in hypocritical rhetoric.

33. Before going into the substance of the matter before the Assembly, let me draw attention to the prejudicial manner in which this item has been formulated. It has been enunciated in such a way as to avoid discussion of the calculated Iraqi efforts to develop a nuclear option and, at the same time, to predetermine the outcome of the Assembly's deliberations. Indeed, it is questionable whether there is any room left at all for serious debate, since the result is a foregone conclusion and the Assembly is engaged in what is essentially an exercise in futility. In the circumstances, there is no need for me to repeat Israel's position at length. I would refer representatives to my statements in the Security Council on 12 and 19 June 1981³ and also to the detailed document of my Government entitled "The Iraqi nuclear threat—why Israel had to act", circulated at my request as the annex to document A/36/610 of 20 October 1981. I shall therefore focus only on the main points of Israel's position.

34. Ever since the establishment of the State of Israel more than 33 years ago, Iraq has been conspiring to destroy it. Iraq joined several other Arab States which attacked Israel the day it became independent in 1948. Yet while other Arab States—Egypt, Jordan, Lebanon and Syria—signed armistice agreements with Israel in 1949, Iraq adamantly refused to do so. Instead, it fomented and supported open Arab belligerency and terrorism against Israel. It took part in the Arab wars against Israel in 1967 and 1973. It has doggedly rejected any international measure or instrument which might imply even the most indirect recognition of Israel and its right to exist. It has rejected all United Nations efforts to seek a peaceful settlement of the Arab-Israeli dispute. It has publicly rejected Security Council resolutions 242 (1967) and 338 (1973). And it took the lead in establishing the Arab rejectionist camp set up in Baghdad to combat the peace process initiated at Camp David. Despite its deep involvement in the war of aggression against Iran, Iraq has continued to indicate its willingness to send men and *matériel* to take part in any military hostilities which the rejectionist Arab States may initiate against Israel.

35. Iraq has consistently made it clear that it would not abide by international law with respect to Israel and that

it reserves its freedom of action in this regard. This perverse doctrine has found expression in the "National Charter" of Iraq proclaimed by its President, Saddam Hussein al Takriti, in February 1980 and circulated at the request of the Permanent Representative of Iraq.⁴

36. The principles underlying that Charter were supposed to include, *inter alia*, the non-use of force and the peaceful settlement of disputes. Yet a specific exclusion was made with regard to Israel on the grounds that it was "a deformed entity" which was "not considered a State".⁵ That same Charter committed Iraq in no uncertain terms to all-out warfare against Israel and enjoined other Arab States to participate in that war, using "all means and techniques".⁶

37. This undisguised denial by one United Nations Member State of the right of another Member to exist is in flagrant violation of the purposes and principles of the Charter. It is regrettable that a document so violently opposed to everything that the United Nations stands for should have been circulated as an official document at all. But apparently such gross violations of the principles of the Charter, including paragraph 4 of Article 2, are 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 over the last 30 or so years called Iraq to account for its aggressive stand against a State Member of the United Nations.

38. 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. To translate its words into deeds, Iraq has used its petrodollars to develop a sophisticated military infrastructure.

39. Since the mid-1970s a new dimension has been added to Iraq's military preparations against Israel. Over and beyond its conventional forces and their development, Iraq has been implementing, methodically and purposefully, a programme to acquire a nuclear option.

40. In 1974 Iraq attempted to acquire a 500-megawatt nuclear power reactor of the gas-graphite type. This reactor had been developed in the 1950s for the production, *inter alia*, of large quantities of plutonium for military use. It was capable of producing some 400 kilograms of weapons-grade plutonium annually. It should be noted that most of the military plutonium of the nuclear-weapons States is produced by this type of reactor. After its request for the 500-megawatt nuclear power reactor had been turned down, Iraq did not accept alternative offers of conventional nuclear power reactors but, rather, demanded and acquired a 70-megawatt nuclear reactor of the Osiris type. Of all available research reactors, the Osiris type is one of the most suitable for the production of weapons-grade plutonium in significant quantities.

41. As part of the same package, Iraq insisted on acquiring about 80 kilograms of weapons-grade uranium for use in the reactor, which in Iraq was officially known as Tamuz I and is generally called Osirak. In 1979 Iraq rejected offers of a far lower grade of enriched uranium fuel, known as "Caramel", and insisted on the original arrangement. To carry that deal through, the supplier had to draw on stockpiles in its own military nuclear arsenal.

42. In parallel, Iraq has also purchased large quantities of uranium concentrates through bilateral deals. In 1980 Iraq received the first shipment of weapons-grade ura-

nium, and Israel learned from absolutely reliable sources that, following the imminent delivery of further shipments of weapons-grade uranium, Osirak would become operational in the summer of 1981.

43. Nor did Iraq stop with the purchase of Osirak and weapons-grade uranium. To acquire complete self-reliance in its nuclear weapons programme, Iraq purchased complementary fuel cycle technology, namely, four research laboratories for the study of the chemical processes of fuel preparation and its recycling, as well as the re-processing of irradiated fuel. From the nuclear weapons point of view, the most significant item on its shopping list was a radio-chemistry laboratory, known as the "hot cell", used for the separation of irradiated fuel and the extraction of plutonium. This project was scheduled for completion this year.

44. Beyond the purchase and construction of these facilities, Iraq has also been energetically investigating the possibility of acquiring upgraded plutogenic power reactors, which operate on natural uranium and heavy water and which could produce large quantities of plutonium.

45. And again this is still by no means the end of the story. Iraq already possesses aircraft capable of delivering nuclear warheads. Not satisfied with that, it is involved in the development of a new surface-to-surface missile with an effective range of up to 3,000 kilometres, also capable of delivering a nuclear warhead. The distance between Baghdad and Jerusalem is 800 kilometres.

46. In brief, it was clear that by 1985 Iraq would be in possession of sufficient weapons-grade plutonium to produce at least one nuclear explosive device and would also have the means of delivering such a device.

47. All this activity, patently designed to acquire a nuclear option; did not prevent Iraq from hypocritically appending its signature to international instruments specifically prohibiting it from developing a nuclear option, namely the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA safeguards agreement.

48. Iraq's preference for Osirak and the complementary fuel cycle facilities pointed towards a premeditated attempt to exploit the limitations on IAEA safeguards regarding this type of reactor for the purpose of embarking on a nuclear weapons programme without risking detection. This was so because such safeguards do not apply to research within the reactor.

49. Moreover, no television or photographic surveillance measures for monitoring between inspection visits were foreseen under the existing safeguards approach for such research reactors. As a result, no means would be available to provide indication of diversion between inspections.

50. As I have already mentioned, during 1980 Iraq received a shipment of weapons-grade uranium. Thereafter, Iraq promptly denied IAEA inspection. Such unilateral actions could have been repeated by Iraq on future occasions when additional shipments of weapons-grade enriched uranium had been received by Iraq.

51. I have already pointed out that, parallel to ordering weapons-grade uranium, Iraq purchased large quantities of uranium concentrates to ensure an adequate supply of raw material for its programme. These purchases too were not subject to safeguards. And except for the production

of plutonium, which is the principle element in the making of nuclear weapons, Iraq has no conceivable use in the foreseeable future for the large quantities of uranium concentrates it has acquired.

52. As far as the complementary fuel cycle facilities were concerned, they also had a great advantage for Iraq. They too would remain outside the scope of safeguards as long as Iraq maintained that it was not producing plutonium or nuclear fuel.

53. In other words, Iraq could proceed with its nuclear weapons programme and, once ready, it could exercise its right of withdrawal from the Non-Proliferation Treaty on three months' notice, as provided for in article X of the Treaty, without fear of sanctions. Even if an unlikely attempt were made to impose sanctions on Iraq, the process would be ineffectual. To quote from "A Short History of Non-Proliferation", a document published by IAEA: "History has shown that the extent to which international bodies can impose fully effective sanctions on national governments is limited".

Mr. Orn (Sweden), Vice-President, took the Chair.

54. Over the last six years Israel has tried to have this threat halted by diplomatic means. Since 1975 Israel has conducted diplomatic contacts at various levels with Governments which Israel believed could avert the dangerous developments in Iraq. Israel was careful to ensure that those contacts would remain as discreet as possible, in order to ensure that all those approached would have complete freedom to act.

55. In view of the ineffectiveness of existing safeguards with respect to Osirak-type reactors, Israel was clearly faced with a mortal danger. It was and is inconceivable that a country so threatened would entrust its fundamental security to an inspection procedure which is contractually limited, which is not unconditional or binding and which is substantially dependent both in character and duration on the discretion of the country posing the threat.

56. Israel's military operation of 7 June 1981 against Osirak was neither an attack on IAEA nor an expression of no confidence in its system of safeguards. Israel appreciates the earnest efforts of the IAEA staff to discharge its duties within the limits of the IAEA mandate. Hence, we regret the arbitrary and discriminatory action taken against Israel at the recent General Conference of the Agency. In adopting the resolution against Israel, the General Conference has been subjected to the familiar Arab attempts aimed at converting yet another international agency into an instrument of political warfare against Israel.

57. Israel has supported the principle of non-proliferation in all discussions in international forums and it has also joined multilateral arms control agreements and has supported resolutions aimed at preventing the proliferation of nuclear weapons.

58. On 12 June 1968 Israel voted in favour of General Assembly resolution 2373 (XXII), the annex to which contained the text of the Treaty on the Non-Proliferation of Nuclear Weapons. It did so in the belief that this would enhance practical and satisfactory solutions for the prevention of the proliferation of nuclear weapons. Since then Israel has studied the various aspects of the Non-Proliferation Treaty in reference to the conditions prevailing in the Middle East and has concluded that the tur-

bulent and constantly shifting conditions which prevail in the region prevent the Treaty's implementation in good faith on the part of many States there. The fact is that most Arab States not only deny Israel's right to exist but are also bent on destroying Israel and reject any peace negotiations with it.

59. Many Arab States are not bound by the Treaty régime or by the IAEA safeguards system. Some Arab States which are parties to the Treaty have not fulfilled their obligations in accordance with it, or have entered reservations specifically dissociating themselves from any obligation towards Israel in the context of the Treaty.

60. Iraq's nuclear activities have troubled many Governments and experts around the world. Many questions remain unanswered, including those which I addressed to Iraq's Foreign Minister in the Security Council on 19 June² and which I should like to repeat here:

—First, why did Iraq first try in 1974 to acquire a 500-megawatt nuclear reactor, of a kind designed, *inter alia*, to produce large quantities of plutonium for military use? Why the continued efforts to buy an upgraded plutogenic power reactor, whose military use is clear, but whose commercial use is not proven?

—Second, why did Iraq insist on receiving a 70-megawatt reactor which has no usable application as an energy source?

—Third, why did Iraq insist on receiving weapons-grade nuclear fuel, rather than the less proliferant alternative of "Caramel" fuel which it was offered?

—Fourth, what is Iraq's demonstrable need for nuclear energy, given its abundant oil reserves?

—Fifth, 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?

—Sixth, 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?

—Seventh, why has Iraq been making frenetic efforts to acquire large quantities of natural uranium which is not under IAEA safeguards? Why has Iraq taken the highly unusual step of stockpiling uranium before it has built power reactors?

61. Iraq's unwillingness to answer these questions and others speaks louder than words.

62. The Government of Israel, like any other Government, has the elementary duty to protect the lives of its citizens. In destroying Osirak, Israel was exercising its inherent and natural right of self-defence, as understood in general international law and well within the meaning of Article 51 of the Charter.

63. The concept of a State's right of 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, this concept took on a 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. This is particularly true for small States whose vulnerability is great and whose capacity to survive a nuclear strike is very limited. Thus, the concepts of "armed attack" and the threat of such an attack must be read in conjunction with, and are related to, the present-day criteria of speed and power, and placed within the context of the circumstances surrounding nuclear attack, including the preparations for it and the consequences resulting therefrom.

64. Commenting on the meaning of Article 51 of the Charter, Professors Morton A. Kaplan and Nicholas de B. Katzenback wrote in their standard work, *The Political Foundations of International Law*:

"Must a state wait until it is too late before it may defend itself? Must it permit another the advantages of military build-up, surprise attack, and total offense, against which there may be no defense? It would be unreasonable to expect any state to permit this—particularly when given the possibility that a surprise nuclear blow might bring about total destruction, or at least total subjugation, unless the attack were forestalled."⁷

65. Israel is mindful of the many political differences existing among the States of the Middle East, a region characterized by conflict and tension with many sources of upheaval and unrest from North Africa to the Persian Gulf. Nevertheless, the lack of comprehensive peace in the region should not condemn the Middle East to live under nuclear threat.

66. The prevention of the spread of nuclear weapons to the Middle East can best be assured by a regional non-proliferation régime and by arms control arrangements freely arrived at and negotiated in good faith by the States of the region. An effective non-proliferation régime must be based on the establishment of a system of mutually binding obligations among all the States of the region, which would assure each one of them of the others' compliance with the terms of a freely negotiated convention.

67. Israel believes that the most effective way to prevent the spread of nuclear weapons to the Middle East is through the creation of a nuclear-weapon-free zone in the region, modeled on the Tlatelolco Treaty,⁸ which is based on the initiative of Latin American States and on direct negotiations among them. Israel has repeatedly given expression to this idea and since 1974 has advocated it annually in this Assembly.

68. On 31 October 1980, at the thirty-fifth session of the General Assembly, Israel submitted draft resolution A/C.1/35/L.8,⁹ which called upon:

"... all States of the Middle East and non-nuclear-weapon States adjacent to the region, which are not signatories to any treaty providing for a nuclear-weapon-free zone, to convene at the earliest possible date a conference with a view to negotiating a multi-lateral treaty establishing a nuclear-weapon-free zone in the Middle East".

69. Israel also urged that all States of the region indicate their willingness to participate in such a conference. To Israel's regret, its proposal was rejected by a number of Arab States, most significantly by Iraq, whose representatives asserted at the 36th meeting of the First Committee, on 20 November 1980, that Israel's draft resolution was "of no practical value".

70. We believe that our proposal, further elaborated in my letter to the Secretary-General dated 9 June 1981 [A/36/315], will, if realized, constitute a significant contribution to the future well-being and security of all the States in the Middle East. And it is for this reason that in my letter to the Secretary-General of 26 October 1981 [A/36/630], I reiterated and reaffirmed Israel's position, without prejudice to any political or legal claim which any of the States concerned may have on any other.

71. The General Assembly now has a clear-cut choice before it. It can either resign itself to the perpetuation of the well-established pattern of one-sided denunciations of my country, which can only serve as a cover and encouragement for those that entertain destructive designs against it, or, alternatively, it can address itself seriously to the perils and challenges that confront us all. If these perils and challenges are successfully met, an historic contribution can be made towards further advancing the cause of peace in the Middle East.

72. The PRESIDENT: I call on the Observer of the League of Arab States, in accordance with General Assembly resolution 477 (V) of 1 November 1950.

73. Mr. MAKSOUD (League of Arab States): Israel's *blitzkrieg* on Iraq's nuclear research facilities on 7 June 1981 demonstrates, as Mr. Sigvard Eklund, Director General of IAEA, stated when introducing his report yesterday, that:

"... the Treaty [on the Non-Proliferation of Nuclear Weapons], and by extension the Agency's safeguards régime, suffered a blow in June of this year when a non-Treaty country, Israel, carried out a military attack against the research reactor in Iraq, a party to the Treaty and thus subject to IAEA safeguards on all its nuclear activities. I have expressed my deep concern over this development in the Security Council as well as to the Board of Governors and in the General Conference of the Agency." [50th meeting, para. 21.]

74. That is perhaps a most concise, neutral statement which reports a fact and an incident. It draws the conclusion, however, that the Israeli attack inflicted a blow on the Non-Proliferation Treaty and the Agency's safeguards system. That is perhaps a neutral and dry conclusion, but it cannot be controverted; it has become a judgement of history.

75. However, it is not sufficient, indeed it is utterly inadequate, for the world community simply to record Israel's attack on Iraq's nuclear research facilities last June, which constituted a far-reaching development in the evolution of Israel's policy of aggression and added a new dimension to its quest for strategic hegemony and dominance.

76. Because of this, the Security Council on 19 June unanimously condemned that blatant aggression, thus discrediting and disproving once and for all Israel's counter-arguments and claims, repeated this morning in the General Assembly, which no one—absolutely no one—believes. The unanimity with which Israel's attack was condemned removes the last vestiges of the credibility that a few, especially in the United States, wanted to believe Israel had.

77. Condemnation without sanctions in the Israeli case becomes a form of biting without teeth. Israel has repeatedly treated the universal condemnations of its aggressive

acts as if those condemnations were exercises in futility, and has sought to make them so. Israel has developed a built-in contempt for the moral indignation which characterizes world reaction to its aggression and to its behaviour pattern. That is why, when the Security Council was considering Israel's blatant attack and naked aggression against Iraq's nuclear research facility, the strong urge to apply sanctions became irresistible. The flagrancy of the aggression dispelled any arguments from those who sought to prevent the imposition of sanctions as provided for in Article 51, Chapter VII, of the Charter.

78. The United States, in particular, was eager for the logical conclusion to be postponed and for the resolution instead to be confined to condemnation. The United States was also eager to interpret its condemnation as a major diplomatic step and concession which would give Israel an incentive to cease further similar attacks and aggression. That was not only a miscalculation by the United States of its own relationship with Israel, but a misreading of the thrust of Israel's ideology and behaviour pattern. Moreover, it was a form of wishful thinking in a situation in which normal yardsticks have been proved to be completely inoperative and inapplicable.

79. Yet the United States, cognizant of the implications of Israel's aggression against Iraq's nuclear facility, realized that it could not, in all good conscience, withstand the irreversible pressure of the need to impose sanctions. The United States realized that under no circumstances would condemnation be sufficient or adequate. If sanctions were to be avoided, credible warnings about the consequences of repeated Israeli actions had to be factored into the resolution. The result was not only unanimity of condemnation but the imposition of what might be construed as punitive measures. Those measures fell short of sanctions but they included points which, if complied with, would constitute a form of deterrence, inadequate and insufficient though it might be, sufficient to make the implementation of the Security Council resolution a step in the direction of genuine deterrence.

80. As we know, that minimum standard that emerged in the Security Council on 19 June was not met by Israel. Condemnation was treated by Israel with its usual contempt.

81. Security Council resolution 487 (1981) called upon Israel "to refrain . . . from any such acts or threats thereof". What happened? Israel continued its illegal encroachment and violation of Lebanon's skies and airspace and attacked Beirut, the capital of Lebanon, on 10 and 12 July 1981 in one of the most vicious and barbaric air strikes of our time. In paragraph 5 of that resolution the Council called upon Israel "urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency". Israel to this day has not placed its facilities under IAEA safeguards and refuses to allow IAEA officials to inspect Israel's nuclear facilities in Dimona.

82. In paragraph 6 of the resolution, the Council considered that "Iraq is entitled to appropriate redress for the destruction it has suffered, responsibility for which has been acknowledged". Israel has not taken the necessary measures to bring about the appropriate redress.

83. It is clear, therefore, that Israel stands today in contempt—utter contempt—of resolution 487 (1981), and for that reason the item has been placed on the agenda of the General Assembly. If those facts have become well established and well known, it does not mean, as one senior

United States official stated recently, that "they are behind us". They will be behind us only when the mind-set, the policies, the ideology and the objectives that led to Israel's *blitzkrieg* on Iraq's nuclear research facilities have been dealt with and removed. Only then can one say that the attack can go into the footnotes of history.

84. However, as long as the texture of Israel's Zionist ideology and its aggressive and expansionist behaviour remain the determining constant in its overall posture, policies and behaviour, then in no circumstances can the attack on Iraq's research facilities be treated either in isolation or as an aberration.

85. The attack has to be treated in the context of Israel's proclivity to violate international law, United Nations resolutions and the sovereignty of countries and of its addiction to aggression, inherent in the very circumstances of Israel's creation, ideology and policy. It has become imperative that the world community take the necessary measures that will constitute a credible disincentive for Israel to continue to pursue its unilateral defiance of the international will and the international consensus.

86. We have seen how Israel has in recent days violated the airspace of Saudi Arabia and how it violates almost daily the airspace of Lebanon and claims that as a matter of utter right. This is a clear case of Israel seeking to institutionalize the Nazi doctrine that led to the Second World War—that might, and only might, is right. This, as the representatives to the General Assembly fully realize, is not only intolerable but dangerous and destabilizing.

87. Clearly, when a policy is predicated on the hypothesis that might, and only might, is right, it follows that any means justifies the end. This twin policy of Israel has been amply demonstrated, and the preparations that preceded its premeditated aggression on Iraq have also been amply demonstrated. Preparations for the implementation of this policy, with its dual manifestations, were made long ago. I do not want to dwell here on all the preparations that were made by Israel to execute its nuclear policy. The Iraqi representative has made a comprehensive and objective study of the background. Suffice it to mention here a few of the unchallenged facts and events.

88. First, in 1965, highly enriched uranium disappeared from a United States Government-sponsored nuclear facility at Apollo, Pennsylvania. United States Government agencies came to the firm conclusion that Israel had "stolen" this material.

89. Secondly, in November 1968, 200 tons of uranium oxide bound for Genoa disappeared from the cargo ship *Sheersberg*. The captain of the ship later admitted that the cargo had been transferred at sea and delivered to Israel.

90. Thirdly, in November 1976, 13 United States senators, led by Senator Ribicoff and Senator Javits, were barred while on a Middle East fact-finding tour from inspecting Israel's nuclear research facilities at Dimona in the Negev desert. Senator Ribicoff told reporters that Israel reserved the right to undertake its own research in private without international supervision. At the time, a United States official estimated that the secret facilities at Dimona had a large enough plutonium stockpile to produce more than 20 atomic bombs.

91. From the foregoing facts it is clear that Israel not only planned to acquire the atomic bomb by all means,

whether by cheating or lying or stealing, but correspondingly sought to pre-empt the ability of the Arab States to develop peaceful technological, scientific and developmental plans and programmes.

92. It is also clear that the reluctance to follow up on the resolution of the Security Council enabled Israel to assume that it had a license to strike at will and to persist in its defiance of United Nations resolutions.

93. We were surprised that the United States, while joining the denunciation, hedged its attitude with so many excuses for the attack as to reduce the denunciation to little more than a gesture. In doing so, the United States weakened not only the chances of compliance by the aggressor, but also its own laws, which were utterly disregarded when Israel used American-supplied warplanes in Iraq, then in Lebanon, and most recently in the skies of Saudi Arabia.

94. We are aware of the United States commitment to the security of Israel, although we do not know what it is. But should that pledge be honoured at all costs and to the detriment of the security of other countries in the Middle East? Does it mean that Israel, in addition to its butchering of defenceless Lebanon and its war threats against Syria, can now reach hundreds of miles beyond its borders to strike any target for any reason with impunity? If in the past the United States has found it conveniently difficult to decide whether Israeli actions—the occupation of Arab territory, the total denial of Palestinian rights, the annexation of Jerusalem, the bloody intervention in Lebanon—constituted aggression, the raid on Iraq was an open-and-shut case.

95. Menachem Begin openly and brazenly boasted that the attack was premeditated. What was worse, Begin's justification for the raid was based on reasons that were totally and absolutely disproved.

96. He lied when he claimed that Iraq had prevented IAEA inspectors from examining the nuclear reactor near Baghdad. The Agency's experts made a full inspection of the Iraqi facility last January and were due to make another visit in June.

97. He lied when he claimed that Iraq was secretly working on a nuclear weapon programme. The Agency, which is responsible for enforcing safeguards against the proliferation of nuclear arms, vehemently denied that Iraq was involved in anything but peaceful research.

98. Begin again lied when he charged that there was a secret chamber 40 metres below the Iraqi reactor being prepared for military purposes. He later struck off a zero, saying the chamber was only 4 metres below ground. The truth is that no such secret place existed.

99. And there were more false allegations: that the Iraqi President, Mr. Saddam Hussein, had threatened to use nuclear weapons against Israel; that United States intelligence officials had tipped off Israel to Iraq's intention to build an atomic bomb; that the Iraqi reactor would become operational in early July. All were refuted totally.

100. These were fabrications designed to cover up Israel's real objective: to destroy the scientific potential and technological achievements of Iraq and any other Arab country.

101. Begin's blithe and systematic use of lies was an indication of his contempt for world opinion, contempt that was inherent in the action of Israel—which refused to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons so that it could build up a nuclear arsenal—when it attacked a party to the Treaty and a member of IAEA.

102. There is no doubt that Israel wants to maintain a monopoly on nuclear technology in the Middle East because scientific progress in the Arab world means the end of Israel's ability to terrorize its neighbours and interfere in their affairs. In the modern world technology is a power that can be used for good or ill. Israel has chosen to use its grasp of science and technology for aggressive purposes and therefore fears that others around it will do the same. That is the mentality of fascism, which sees in everybody a mirror of its own ideology.

103. That is why the General Assembly has this item before it, and the necessary measures should be taken to render the United Nations resolutions credible and effective. To allow Israel the ability to paralyse the United Nations mechanism, defy the Charter, violate resolutions and spell out in its own terms what constitutes international law is tantamount to allowing an outlaw to take the law into his own hands. To allow Israel to dictate to this body its terms of reference in order to provide prior licensing for its planned and future and subsequent aggression and threats is to undermine the purposes and objectives for which the Organization was created.

AGENDA ITEM 14

Report of the International Atomic Energy Agency (continued):

- (a) Report of the Agency;**
- (b) United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy: report of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy**

104. The PRESIDENT: I shall now call upon those representatives who wish to speak in explanation of vote before the voting on draft resolution A/36/L.10 and the amendments in document A/36/L.12. I remind the Assembly that statements in explanation of vote should not exceed 10 minutes and should be made by representatives from their seats.

105. Mr. ADELMAN (United States of America): At the 51st meeting I spoke to the Assembly in praise of IAEA and in regret about the trend towards politicization in that as in other United Nations specialized agencies, all of which have important missions to fulfil. As I spoke such politicization continued, and in a rather disorderly manner.

106. Precisely this type of politicization has a demonstrated capacity to paralyse and to destroy activities by United Nations specialized agencies, making it difficult or even impossible at times for them to achieve their worthy missions.

107. While I was speaking on this very point yesterday, politicizing amendments were being prepared to draft resolution A/36/L.10, which the United States fully supported as originally drafted, which applauds the work of

IAEA, which has normally met with consensus approval by this Assembly.

108. We welcome neither of the amendments that are before us in document A/36/L.12, considering each to be superfluous to the topic at hand, namely the report of the Director General of IAEA.

109. We firmly oppose the language of the first amendment. It focuses upon the attack of last June, a matter which the most appropriate body of the United Nations, namely the Security Council, dealt with at length and on which it reached consensus agreement.

110. Nothing has happened on this matter since the Security Council's lengthy deliberations. Even though nothing has happened since then, that attack is none the less the subject of, first, this amendment to an otherwise supportive draft resolution, secondly, this very day's debate in the General Assembly under agenda item 130, and, thirdly, a draft resolution in the First Committee [A/C.1/36/L.30].

111. To any objective observer this would appear to be a most disorganized, even chaotic, manner in which to handle a topic that does not need to be handled once again by any part of the United Nations.

112. We consider the second amendment, calling upon all Member States to respect the Charter and to refrain from attacking nuclear installations, to be rather superfluous, but we will not oppose it as it is not in itself objectionable.

113. In the light of our opposition to the first amendment and our strong objections to the manner in which the Organization is again handling this issue, we cannot accede to the usual consensus adoption of this draft resolution on the IAEA report should both amendments gain approval. In that case we will ask for a vote by the Assembly and abstain on the final draft resolution as amended.

114. We hope to avoid such an unusual break in consensus. We urge other members to refrain from steps that would lead to such a break. I remind them once again that unfortunately the very next agenda item, today, in this very Assembly, provides ample opportunities to discuss the exact topic of these amendments.

115. Breaking the consensus on this draft resolution would be a real disservice to the laudable IAEA and to its distinguished Director General, Mr. Eklund.

116. Mr. BLUM (Israel): Resolutions on the item before us have traditionally and consistently been adopted by consensus. In introducing its amendments Iraq must have been aware that it would break the common agreement on this item. It has thus demonstrated its total disregard for international efforts to maintain consensus in an area of vital importance to the international community.

117. Iraq's amendments must be read together and in conjunction with the debate which opened this morning on agenda item 130. They cannot be understood otherwise, for they are a clear attempt to introduce, for Iraq's own partisan purposes, controversial elements into what has always been a common position. In the process, Iraq is deliberately politicizing the item before us by injecting its version of the Arab-Israel conflict. Iraq is thus following here the pattern set by it and by its supporters at the

recent General Conference of IAEA, which they subjected to the familiar Arab attempts aimed at converting yet another international agency into an instrument of political warfare against Israel.

118. The amendments to draft resolution A/36/L.10 are discriminatory and arbitrary; they ignore the fact that many Arab and other States have not complied, and have no intention of complying, with basic requirements of the IAEA statute and with their international obligations in the non-proliferation and disarmament fields.

119. The amendments are totally incompatible with the draft resolution on the IAEA report. If adopted, they can only damage the IAEA and its relationship with the General Assembly. They will certainly not contribute to the solution of the problems facing IAEA and its members.

120. Iraq's lack of good faith is also evidenced by the fact that its amendments were introduced half a day before the General Assembly was about to discuss a separate item on the subject to which they refer, making them otiose and self-serving at best.

121. Israel therefore rejects the patent Iraqi attempts to politicize this item and will vote as appropriate on the Iraqi amendments. Should they be adopted, Israel will vote against the draft resolution as a whole.

122. Mr. AL-ZAHAWI (Iraq): Iraq would like to ask for a recorded vote on the amendments and on the draft resolution as a whole.

123. The PRESIDENT: We shall now proceed to the vote. In accordance with rule 90, of the rules of procedure of the General Assembly, we shall deal first with the amendments in document A/36/L.12. I put to the vote first the amendment in paragraph 1. A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Chile, Colombia, Dominican Republic, Ghana, Guatemala, Haiti, Jamaica, Lesotho, Malawi, Swaziland.

The amendment was adopted by 119 votes to 2, with 10 abstentions.

124. The PRESIDENT: Next I put to the vote the amendment in paragraph 2 of document A/36/L.12. A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Guatemala, Jamaica.

The amendment was adopted by 129 votes to none, with 2 abstentions.

125. The PRESIDENT: I now put to the vote draft resolution A/36/L.10, as amended. A recorded vote has been requested.

A recorded vote was taken.

In favour: Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Japan,

Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel.

Abstaining: Guatemala, Jamaica, Malawi, United States of America.

The draft resolution, as amended, was adopted by 128 votes to 1, with 4 abstentions (resolution 36/25).¹⁰

126. The PRESIDENT: I shall now call on those representatives who wish to speak in explanation of vote.

127. Mr. CALDERÓN (Bolivia) (*interpretation from Spanish*): The delegation of Bolivia voted in favour of the amendments to draft resolution A/36/L.10, but we do not consider that those amendments really fit in with the rest of the text, and we think it would have been preferable, for the sake of consensus, to retain the original wording of the draft resolution.

128. Mr. BLOMBERG (Finland): The delegation of Finland voted in favour of draft resolution A/36/L.10, just adopted, as it did for the amendments contained in document A/36/L.12. We regret, however, that, unlike in previous years, this so-called omnibus resolution on the Agency could not be adopted by consensus.

129. We consider it essential to strengthen international co-operation in the peaceful uses of nuclear energy, in which activity IAEA, in all of its functions, has a central role.

130. In the light of the general discussion of the agenda item before the Assembly, and despite the divergence just recorded in the vote, consensus does indeed continue to prevail on the essential and customary provisions concerning IAEA and its work.

131. Mr. SUMMERHAYES (United Kingdom): I have the honour to speak on behalf of the 10 member States of the European Community in explanation of our votes on the amendments in document A/36/L.12 and on draft resolution A/36/L.10.

132. While the Community voted in favour of the amendments in document A/36/L.12 and for draft resolution A/36/L.10, we regret that it was not possible to achieve consensus on that draft resolution dealing with the report of the Agency, which is traditionally an uncontroversial item. We are not convinced that the amendments in document A/36/L.12, which are of a political nature, find their proper place in draft resolution A/36/L.10, which deals with what is primarily a report on the techni-

cal activities of IAEA. The Community considers that the issues raised in the amendments will be adequately dealt with under agenda item 130, the debate upon which has already begun.

133. Mr. NARAIN (India): The Government of India has strongly condemned the unprovoked and unjustified attack by Israel on the Iraqi nuclear installations. The position of the Indian delegation in regard to this matter was fully stated when it was considered by the Security Council in June 1981 and by the Board of Governors and by the General Conference of IAEA at its twenty-fifth session later in the year.

134. In regard to the ninth preambular paragraph of draft resolution A/36/L.10 that we have just adopted, I should like to reiterate the views of my Government, which are well known and have been clarified in IAEA at the appropriate time. Even if Iraq had not been a party to the Treaty on the Non-Proliferation of Nuclear Weapons or not accepted safeguards, the blatant act of aggression by Israel would have been equally reprehensible and totally inadmissible.

135. Mr. NOLAN (Australia): Australia voted in favour of draft resolution A/36/L.10, as well as for the two amendments submitted at the 51st meeting and contained in document A/36/L.12. The two amendments reflect views of the Australian Government which have already been expressed in other relevant bodies, in particular the IAEA General Conference in September and the Committee on Disarmament in Geneva, where we joined a number of other delegations in expressing our condemnation of the Israeli attack.

136. Military operations such as Israel's against the Iraqi reactor not only are detrimental to efforts to restore peace and stability in the region but are also harmful to the efforts of the international community to prevent the further spread of nuclear weapons on the basis of the Non-Proliferation Treaty and the associated safeguard systems administered by IAEA.

137. The Australian delegation wishes to place on record, however, that such a reference has no place in the IAEA resolution, which is traditionally, and correctly, a resolution of a technical nature. It is a resolution designed as a vehicle for the General Assembly's endorsement of the Agency's role and activities in the preceding year. It should not be used for political point-scoring. We regret also that the introduction of a political element has had the effect of breaking the consensus that the IAEA resolution has traditionally enjoyed.

138. Mr. MENZIES (Canada): Canada voted in favour of draft resolution A/36/L.10, on the report of IAEA, including the amendments contained in document A/36/L.12. We regret that the draft resolution did not obtain consensus, as has been the aim and the practice in previous years. We are uneasy about the introduction of amendments referring to a politically contentious action, albeit one which we have previously condemned, into a traditionally procedural resolution dealing with the report of IAEA for 1980, particularly since this matter is already the subject of debate under the item on armed Israeli aggression against the Iraqi nuclear installations.

139. Mr. BUSTANI (Brazil): The delegation of Brazil voted in favour of draft resolution A/36/L.10, on the report of IAEA. Nevertheless, we deem it fitting to place on record our reservations on the sixth preambular para-

graph, which is applicable only to those States parties to the Treaty referred to therein.

140. The delegation of Brazil also wishes to record its understanding that operative paragraph 2 (a) endorses the resolution of the General Conference of IAEA, adopted on 26 September,¹¹ whereby the Board of Governors is required to ensure that progress in the field of technical assistance to developing countries be given the necessary emphasis and financial support so that it may keep pace with the progress made in other priority activities of the Agency.

141. Mr. BELTRAMINO (Argentina) (*interpretation from Spanish*): in recent years the resolution approving the report of IAEA has been adopted by the General Assembly by consensus. This consensus not only represented a procedural mechanism for adopting decisions but reflected a political will for agreement, commitment and understanding. Delegations which had legitimate reasons to dissent from some statements contained in the report were prepared to go along with a consensus and not obstruct the adoption of a text whose importance was recognized by all Member States. The delegation of Argentina considers most undesirable the mention of the Non-Proliferation Treaty, as well as some other expressions in the report which we do not consider correct as regards the proportion between the activities relating to technical assistance and the activities relating to safeguards in the Agency—that is to say, where the Agency is praised while it does not act in accordance with the provisions and regulations of its statute.

142. At this time, unfortunately, we face a different situation from the usual one, and this is due to events and circumstances which we all know and condemn. We earnestly hope that this exceptional situation will not be repeated. In that regard, in voting in favour of the amendments in document A/36/L.12, as well as draft resolution A/36/L.10, we urge the Assembly to return to the path of consensus, which can only be the result of a process of negotiation, which may be arduous but is nevertheless fruitful.

143. We support the new operative paragraph 7 because we do not consider it to be admissible to carry out attacks against nuclear installations used for peaceful purposes. But at the same time, as my delegation has always maintained, we object to specific references to Member States of the United Nations, since we believe this runs counter to the fulfilment of the purposes and principles of the Organization and the effectiveness of the relevant resolutions.

144. Thus our affirmative vote must be understood to be subject to the reservations we have clearly formulated.

145. The PRESIDENT: I shall now call on those representatives who wish to speak in exercise of the right of reply. May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to 5 minutes for the second and should be made by representatives from their seats.

146. Mr. MAHALLATI SHIRAZI (Iran): My delegation supported draft resolution A/36/L.10 and the amendments to it that were proposed, because we believe in the principles that were incorporated in the draft and in the amendments—namely, we do condemn all acts of aggression against the territorial integrity of States, including the Is-

raeli aggression on the nuclear installations in Iraq, but we consider it sheer hypocrisy for a country that has been engaged in the past year in one of the most obvious and serious acts of armed aggression against my country to advocate in this Hall that all countries refrain "from the threat or use of force against the territorial integrity or political independence of any State, including in particular any armed attack on its nuclear installations", as stated in the amendment to the draft resolution.

147. Mr. AL-ZAHAWI (Iraq): The amendments submitted by my delegation to the Assembly, unlike the allegations made today by the representative of the Zionist entity and the representative of its protector, the United States, were closely connected with the draft resolution and with the item under discussion. They were closely connected with the second, third, fourth, fifth and eighth preambular paragraphs and operative paragraphs 3 and 5 of draft resolution A/36/L.10.

148. If there have been attempts to politicize and destroy, they were not the amendments submitted by Iraq. The Iraqi amendments did not destroy the draft resolution or IAEA; that is utter nonsense. If damage was done to IAEA, it was the unprecedented criminal attack of Israel on a safeguarded nuclear installation. This has been attested to by the Director General himself more than once—here and at the General Conference of the Agency itself and before its Board of Governors.

149. For the United States to say that it firmly opposes the first amendment is a retraction of the position it took in the Security Council on resolution 487 (1981). It is unfortunate that it should take such action at this stage.

150. To say that nothing has happened since those Security Council deliberations is also not true. The matter was discussed at the General Conference of the Agency at Vienna and action was taken on the matter. It is only just and proper that the General Assembly should now follow up what went on in the General Conference of IAEA.

151. They say that breaking the consensus is a disservice. We did not break the consensus. Israel, by its unprecedented action, its attack on IAEA and all that it stands for, broke the consensus. We should not, we can-

not, accept that it should be business as usual for Israel within the ranks of IAEA.

152. The PRESIDENT: I call on the representative of Israel, who wishes to exercise the right of reply.

153. Mr. BLUM (Israel): If any evidence was still required to the effect that Iraq was indeed bent on politicizing the item which is before us, the representative of Iraq has just provided that evidence.

154. The PRESIDENT: With reference to subitem (b), I remind representatives that the vote on draft resolution A/36/L.11 will have to be postponed to give the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee an opportunity to consider the financial implications. We shall resume consideration of this item at a later date.

155. I wish to announce that the following countries have become sponsors of draft resolution A/36/L.11: Chile, Mali, Mexico, Morocco, Nigeria and Venezuela.

The meeting rose at 1.05 p.m.

NOTES

¹ Ernest W. Lefever, *Nuclear Arms in the Third World*, Washington, D.C., The Brookings Institution, 1979.

² See *Official Records of the Security Council, Thirty-sixth Year*, 2288th meeting.

³ *Ibid.*, 2280th and 2288th meetings.

⁴ *Ibid.*, *Thirty-fifth Year, Supplement for January, February and March 1980*, document S/13816.

⁵ *Ibid.*, document S/13816, annex, para. 3.

⁶ *Ibid.*, para. 4.

⁷ Morton A. Kaplan and Nicholas de B. Katzenbach, *The Political Foundations of International Law*, New York, John Wiley and Sons Inc., 1961, pp. 212 and 213.

⁸ Treaty for the Prohibition of Nuclear Weapons in Latin America; see United Nations, *Treaty Series*, vol. 634, No. 9068, p. 326.

⁹ See *Official Records of the General Assembly, Thirty-fifth Session, Annexes*, agenda items 31 to 49 and 121, document A/35/680, para. 6.

¹⁰ The delegation of the Dominican Republic subsequently informed the Secretariat that it had intended to abstain in the vote on the draft resolution.

¹¹ See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Twenty-fifth Regular Session*, GC(XXV)/RES/388.