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

In the absence of the President, Mr. Mavrommatis (Cyprus) Vice-President, took the Chair.

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 (*concluded*)

1. Mr. KARRAN (Guyana): The delegation of Guyana would like to take this opportunity to welcome the newly independent nation of Antigua and Barbuda to membership of the United Nations. It is with a special sense of pride that we do so, as Antigua and Barbuda, like Guyana, is a member of the Caribbean Community. The delegation of Guyana is confident that Antigua and Barbuda will make a positive contribution to this body, and we look forward to our traditional close co-operation with it in the work of the United Nations.

2. At the present juncture in world affairs the item now exercising the General Assembly is of utmost importance to the international community, and it is with grim despair that my delegation contemplates the future of humanity if acts similar to that perpetrated by Israel on 7 June against Iraq are to become accepted international behaviour. Peace-loving States are therefore under an obligation to speak out in defence of law and order and to ensure that States abide in their international behaviour by the principles of the Charter and by the standards of civilised behaviour.

3. The maintenance of peace and security is a fundamental objective of the Charter. Under Article 4, paragraph 1, membership in the Organization is open to all "peace-loving States which accept the obligations contained in the present Charter". The prohibition of acts of aggression is enunciated in Article 2, paragraph 4, of the Charter:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations."

4. While Article 51 confers upon Member States the right of individual or collective self-defence if an armed attack occurs against them, nothing in that Article or in any other part of the Charter gives to any State the right to sit in judgement over the development plans of any other State or to commit acts of aggression against that State on the pretext that those development plans are potentially dangerous and harmful to it, or on any other pretext whatsoever.

5. It is difficult indeed to over-emphasize the enormity of the threat which actions such as that perpetrated by Israel on 7 June last pose to the efforts of the international community to maintain a régime of inter-State relations based on the rule of law, respect for sovereignty, political independence and territorial integrity and strict respect for the Charter.

6. It was just two days ago that the Assembly adopted by an overwhelming majority resolution 36/25 in which the Assembly, among other things, commended IAEA for its continuing efforts to ensure a safe and secure use of nuclear energy for peaceful purposes throughout the world and took note with satisfaction of the steady improvement of the Agency's safeguards system, and noted the steps taken by the Agency to expand and strengthen its programmes in nuclear safety.

7. IAEA deserves the unreserved and continuing support of States in discharging the responsibility which its members have given to it to seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. For this purpose the Agency is specifically authorized, among other things, to establish and administer safeguards against the misuse of aid provided by or through it and is also responsible for drawing up and implementing the safeguards provisions of the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373, (XXII), annex*]. IAEA, therefore, manifests the universal concern of the international community for the observance of international standards of nuclear safety, for the peaceful use of nuclear energy and for the existence of a strict régime of safeguards subject to international control and supervision.

8. If States were to take it upon themselves to supersede and set themselves above IAEA in the area in which we have freely given competence to the Agency, we would be facing the danger of a complete erosion of the basis for an international system of nuclear controls so carefully established over the years. It is for this reason that I say that we can never place too much emphasis on the danger inherent in the Israeli action of 7 June. As many delegations before me have pointed out, the Republic of Iraq is a signatory to the Non-Proliferation Treaty. It is also a fact that Israel has refused to sign that Treaty. The Government of Iraq itself has declared that its nuclear reactor was intended only for peaceful purposes and has accepted international safeguards on all its nuclear facilities. The Iraqi nuclear installation was inspected in January of this year by IAEA and found to be in conformity with the

Agency's requirements. Israel, on the contrary, has consistently refused to open its nuclear installations to such international inspection.

9. If a State, on the question of nuclear safety and safeguards and the peaceful uses of nuclear energy, is going to substitute its own determinations for those of IAEA and proceed thereafter to mete out judgement as Israel did on 7 June last, the international community is clearly headed for a situation of anarchy. What is more, if the findings and the authority of the Agency can be so easily ignored, and with impunity, this could well be only the first step on a road which could lead to the total disregard of the objective of the Agency, to secure the use of nuclear energy for peaceful purposes, with disastrous consequences for all.

10. Coming as it did at a delicate moment of intense effort in the search for peace in the Middle East, the Israeli aggression against Iraq has had decidedly negative consequences. It has introduced new tensions and new animosities into the area, and has sharpened distrust. It has further complicated the search for peace in the area and considerably reduced its momentum. The Israeli contention that the Middle East has become a safer place since 7 June 1981 is a fallacy. Safety in the Middle East or in any other region cannot be founded on policies that promote fear, that employ blackmail or the indiscriminate use of military might against neighbouring States. Safety can be found only in an atmosphere of mutual trust, mutual confidence and mutual respect.

11. It is therefore clear that Israel's armed aggression against the Iraqi nuclear installation has serious consequences, not only for the efforts of the international community to strengthen the régime for the peaceful uses of nuclear energy and for nuclear non-proliferation, but also for the maintenance of international peace and security. Israel's argument that the item as presently worded is prejudicial to that State is hardly deserving of serious consideration. It was Israel's planes which invaded Iraq's airspace on that fateful Sunday afternoon last June. It was Israel's bombs that destroyed Iraq's nuclear reactor. It was Israel's Prime Minister who declared that if Iraq should ever rebuild the reactor, Israel would destroy it again. It is this arrogance and premeditated aggression of Israel and their implications for international peace and security that the present item seeks to address.

12. These attitudes and policies, if maintained, can only lead to a dangerous situation of chaos and insecurity in international relations. That is why my delegation is of the view that the Assembly's consideration of this item is timely and appropriate. The international community must take measures which will restrain Israel from further endangering peace and security in the Middle East.

13. Mr. BEDJAOUI (Algeria) (*interpretation from French*): My first words must be to the people and Government of Antigua and Barbuda who are rejoicing in their independence that was withheld from them for more than three and a half centuries. Antigua and Barbuda has now joined us, this great universal family of the United Nations. This dual pleasure we feel at the accession to independence of Antigua and Barbuda and its admission to the United Nations is commensurate with our pleasure at seeing the liberation movement of peoples make fresh conquests in its irresistible march towards freedom. This dual pleasure is increased also by our satisfaction in knowing that the new State will bring the third world and the non-aligned movement the fervour of absolute deter-

mination and will reflect within the United Nations its own subtle national identity, which is so vigorous and so dedicated to peace. My delegation welcomes the people and Government of Antigua and Barbuda, and offers them its best wishes.

14. The General Assembly is today considering a serious matter for which the Security Council, which met when it occurred, was not able to find the necessary appropriate solution. In itself this debate is doubly significant: first, there is the fact of the persistent Zionist aggression against the Arab countries of the Middle East; then there is the fact that the veto of a great Power is always willingly available, and the use or threat of use of that veto gives the aggressor immunity. It was this very willingness that frustrated the unanimous will of the international community, which was calling not only for a vehement condemnation but also for sanctions commensurate with the unacceptable misdeed of Tel Aviv. But once again, as has been the case with all past aggressive Zionist actions, the Security Council saw its action paralysed or seriously weakened. We must know why.

15. The act of aggression perpetrated against Iraq reveals its logical pattern and its basis only if it is placed on the one hand in the context of the expansionist designs of the Zionist entity in the Middle East and on the other within the context of the geo-strategic function that entity fulfils in the region as a bridgehead of imperialism.

16. Born of war, the Zionist entity lives only through it and for it. This *raison d'être*, which animates a mania for power, links up with imperialism's designs on this nerve centre of the world, and it is precisely this linkage which explains the Zionist entity's warmongering of all kinds and the constant impunity it enjoys. The international sanction that had been hoped for in the Security Council was thus commuted into a mere verbal condemnation—and not even condemnation of the perpetrator but of the act, which, moreover, was euphemistically called an attack instead of an act of aggression. Nevertheless, the blatancy of the crime was made patently clear during the deliberations in the Security Council. Did not the spokesman of the Zionist entity himself—doubtless as a piece of bravado—acknowledge the premeditated nature of an act which combined all the elements of an act of aggression?

17. Although there was no doubt that the act of aggression against Iraq was only a foreseeable extension of the field of action of Zionist aggressiveness, the timid reaction of the Security Council, which rendered only partial justice to the victim, has done quite a disservice to the rules of international behaviour. It is certainly regrettable that an organ which is responsible for maintaining international peace and security did not clearly characterize the act in question and did not draw all the legal consequences from it, for the very purpose of establishing rules of behaviour in international relations.

18. That clarification was all the more necessary from both the political and legal points of view since, in an attempt to justify the unjustifiable, an exercise took place in the Council which had more to do with acrobatics than law and which ran the risk of making acceptable once again the habits of another time, fraught with perils for an international society which would thereby be doomed to the law of the jungle. First a state of war was invoked as justification for not abiding by all the precise obligations flowing necessarily in this matter from international customary law and from international legal conventions on war, as well as the four Geneva Conventions of 12 August

1949. In his deposition before the Foreign Relations Committee of the United States Senate on 25 June 1981, Mr. W. Thomas Mallison, Professor of Law and Director of the Programme of International and Comparative Law at George Washington University, in Washington, D.C., concluded his careful analysis of that point by stating:

“The existence of a supposed ‘technical state of war’ would be a very weak basis upon which to justify the Israeli air attack. . . . The concept of a ‘technical state of war’ was considered by the United States Supreme Court and discarded as irrelevant as long ago as the Prize Cases, which were decided during the Civil War.”

19. With specious logic and a profusion of sophistry, self-defence was, above all, invoked—or rather a special notion of that right, as set forth in Article 51 of the Charter. Judicial decisions and doctrine have, however, provided a rigorous and precise explanation of the elements of that right. First, an initial act of hostility on the part of Iraq would have been necessary. Israel was quick to detect such an act in a nuclear reactor which had been installed for a long time, which was being used exclusively for peaceful purposes and which, moreover, had been the subject of appropriate and effective international control. If there was really an initial or even a continuing act of hostility, the fact is that it was an act by Israel, which possesses nuclear weaponry and which has rejected all international control. That fact would justify all Arab acts of self-defence.

20. Actually, this Zionist act of aggression reveals once again the perpetrator's aggressive and expansionist essence and its continuing determination to overwhelm the whole region with its technological and strategic superiority. To make certain that its domination will last, the Zionist entity has undertaken to destroy any effort of the Arab countries to master technology and to enable their economies to take off. Two bodies of fact confirm, in this respect—if there is still any need for confirmation—the different nature of the aims of Iraq in regard to the use of nuclear energy for peaceful purposes and the aims of the Zionist entity, which is totally oriented towards acquiring the nuclear weapon. The exclusive peaceful purpose of the Iraqi research installations is clear from the unchallenged testimony of the supplying countries, France and Italy, and from the testimony of IAEA. The statements made in the Security Council by the representatives of the two supplying countries clearly establish that the delivery of nuclear research material to Iraq, in accordance with its legitimate right to use nuclear energy for peaceful purposes, was accompanied by all the necessary safeguards with respect to non-proliferation. Thus, Iraq accepted the system of international safeguards and subjected all its nuclear installations to IAEA inspection. Furthermore, in the Security Council we heard testimony that Iraq had voluntarily accepted the even stricter controls provided for in the guidelines agreed in London between the members of the nuclear-suppliers group.

21. The Director General of IAEA confirmed that. He described in detail in the Security Council¹ all the Iraqi nuclear installations. He also stated that accordingly the Agency had inspected the Iraqi reactors and had not found evidence of any activity not in accordance with the Non-Proliferation Treaty.

22. These statements, because of the quality and authority of those who made them, have swept away the doubts that some attempted to sow or to sustain. They shed stark

light on the fallacy of the pretext given in support of a deliberate act of aggression. They underscore the relevance of a unanimous condemnation of an act of aggression characterized and defined as such by the international community. What is more, the Zionist act of aggression is rightly viewed as having been directed against IAEA itself, which has been attacked at its very foundations through the act of aggression against Iraq. I again quote the Director General of the Agency who said that “From a point of principle one can only conclude that it is the Agency's safeguards system that has also been attacked”.¹ Similarly—as is clear from the resolution adopted by the Board of Governors of the Agency on 12 June last—that act of aggression constitutes a serious attack on the inalienable right of all peoples to use nuclear energy for peaceful purposes. The Board of Governors further said that on a more general plane, the act of aggression seriously jeopardizes the development of nuclear energy for peaceful purposes all over the world.

23. The peaceful nature of the Iraqi research installation, thus confirmed, is in sharp contrast with the nuclear armament programme carried out by Tel Aviv. The study by the Group of Experts to Prepare a Study on Israeli Nuclear Armament, contained in document A/36/431, confirmed something that has long been obvious, that is that “the physical possibility exists that Israel may already have enough weapons-grade materials for making several bombs comparable to the bomb dropped on Nagasaki” because: “Israel reached the threshold of becoming a nuclear-weapon State at least a decade ago”. The Group of Experts “do not doubt that Israel . . . has the capability to manufacture nuclear weapons within a very short time”. The Zionist entity maintains a total black-out on its military nuclear industry. It consistently refuses to submit its nuclear installations to the Agency's international control and thus fosters a deliberate climate of ambiguity concerning its action. That ambiguity, according to the Group of Experts, “has contributed considerably to the alarm in the region and to the concern of the world community.”

24. These equally authoritative statements in evidence are a measure of the significance and scope of the Zionist aggression against Iraq. They confirm the inadmissibility of the pretexts given in an attempt to justify it. At the same time, they identify the real source of the lasting danger looming over the peoples of the Middle East. In that sense they have the merit of adding an important piece of evidence to the brief of the international case against the unrepentant adventurism of the Zionist leaders. Moreover, assuming that one might for a moment entertain, for purposes of analysis, the argument of legitimate defence, it should be borne in mind that nations, in their wisdom, have always required respect for the principle of proportion in cases of retaliation. Hence, one can only shudder at the violence done to the law by a cavalier claim of self-defence regarding an operation which is designed to foil a design that one has oneself attributed to the designated victim.

25. There is no gain saying that, in law, legitimate defence and premeditation are mutually exclusive. Legitimate defence rests essentially on the need to react promptly to a threat which was actually carried out, at least in its first stage. There is therefore no justification for acting on someone else's purported intentions in order to launch an attack on his sovereignty and territorial integrity at a time and place, and with means, of one's own choosing. “Legitimate” and “defence” do not equate with “offensive” and “preventive”. Resort to

force or the threat of force against a State's territorial integrity or political independence is, unambiguously and without qualification, prohibited by international law. Non-resort to force in international relations, a cardinal principle of the Charter, is by virtue of its force of law a bastion against the uninhibited exercise of primitive instincts of domination or conquest. Professor Mallison, whom I quoted a moment ago, concluded his scientific analysis of this point in the following words:

"The lack of clear-cut evidence of actual necessity . . . is a formidable obstacle to the Israeli claim. Thus far, there appears to be no convincing evidence that Iraq was engaged in such development [of nuclear weapons]."

He goes on to say:

". . . . Even if it is assumed that Iraq was engaged in such [activities], this does not mean that Israel or any other State was legally entitled to . . . attack . . . the Iraqi reactor."

Thus stripped of the purportedly legal trimmings surrounding the deliberate act of aggression against Iraq, the Zionists' spurious argument is seen in all its fallacy and shows the contempt in which those who adduce it hold the very purposes of the Charter which they are perverting, both in letter and spirit, to suit their convenience and calculations.

26. The new "theory" of what is termed "preventive" aggression, while of recent date, is unfortunately common currency in the Middle East, an area in the grip of the demons of war inhabiting the Zionist entity. While the Iraqi nuclear installations for peaceful purposes were the selected target on 7 June, the same motivation and the same "theory" have since 1956 been at the root of ceaseless aggressions against the Arab countries. The same elastic conception of security is at the root of the martyrdom inflicted on Lebanon by the unbridled acts of violence perpetrated by the Zionist entity. Constant misrepresentations of facts, biased interpretations of intentions, feigned threats, all these have been resorted to for over 25 years in order to generate a persecution complex the purpose of which is to justify an everlasting expansionist design.

27. If the Zionist entity so noisily focused attention on the supposed danger represented for it by the target it chose, it was because it wanted to efface from people's minds the unacceptability of the act of aggression once it had been perpetrated. For it is obvious that the nature of the goal sought cannot diminish the responsibility of the aggressor once it has been duly established that force was used within the internationally recognized borders of Iraq—and, what is more, in violation of the airspace of Jordan and Saudi Arabia.

28. But in this case, particularly aggravating circumstances are added onto an internationally illicit action which, as such, already involved the responsibility of its perpetrators. The danger that was invoked exists only in the minds of those who think that their security, their power and their prosperity can be attained only at the cost of the exclusion and the negation of the security, power and prosperity of others.

29. Let us turn once more to the deposition of Professor Mallison before the United States Senate Foreign Relations Committee. He identified perfectly the danger of the situation when he stated that:

"The Israeli air attack on the Iraqi reactor reveals the existence of a far greater problem".

And that was an American talking to Americans in the American Senate. He went on:

"This problem, to put it in the simplest way, consists in knowing whether or not we should permit Israel to persevere in this course of taking a unilateral decision, in violation of the rules of international law and system of legal order in the world. The United States, as the main financial and military supporter of the State of Israel, has thus far imposed no real limit on the resources with which it has provided Israel. The political departments of our Government are now in a position to decide whether they should permit this situation to go on or whether, on the contrary, Israel should abide by the same legal rules which are applied in other States and to which the United States itself conforms."

The fact is that the Zionist entity has always been outside the law. We have always said this. What is new today is that it is being said in the United States Senate.

30. Once again the Zionist entity has aroused universal condemnation, which it deserves. The fact that this condemnation was not followed up with the effective sanctions that it called for does not diminish the responsibility of the Zionist entity in the explosive situation prevailing in the Middle East. The new step thus taken in the widening of tension points once again fundamentally to the need to satisfy the inalienable national rights of the Palestinian people as a *sine qua non* for the establishment of genuine peace in the Middle East.

31. The PRESIDENT: I now call on the representative of Iraq, who wishes to introduce draft resolution A/36/L.14/Rev.1.

32. Mr. AL-QAYSI (Iraq): I have the honour of introducing on behalf of the sponsors the draft resolution contained in document A/36/L.14/Rev.1 on the agenda item before us. In view of the cardinal importance of the item to the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security, it is necessary to explain in full the parameters of the decision contained in the draft which the General Assembly is to vote upon.

33. The first preambular paragraph states the title of the item under discussion. The second preambular paragraph records an uncontestable fact, namely, that the Israeli act is unprecedented and that it created a grave threat to international peace and security. This has been amply demonstrated by the overwhelming majority of views expressed in the various organs of the international organizations which have dealt with the question to date. The third to fifth preambular paragraphs recall the resolutions adopted by those international organizations. The sixth and seventh preambular paragraphs register another set of incontestable facts, namely, Iraq's adherence to the Non-Proliferation Treaty, its having subscribed to the safeguards régime of IAEA and the testimony of that Agency regarding the satisfactory application by Iraq of those safeguards; and, in contrast, Israel's refusal to adhere to the Treaty and to submit its nuclear facilities to Agency safeguards in spite of repeated calls from both the Security Council and the General Assembly. The eighth preambular paragraph is taken verbatim from the first preambular paragraph of resolution 34/89, adopted by the General

Assembly on 11 December 1979. If there were any doubts at the time of the adoption of that resolution about Israel's nuclear capabilities, these doubts have been completely dispelled by the Group of Experts to Prepare a Study on Israeli Nuclear Armaments.

34. As for the ninth preambular paragraph, the General Assembly has already, in resolution 33/71 A, requested the Security Council to call on all States to refrain from any supply of arms, ammunition, military equipment or vehicles or spare parts to Israel, without any exception. The Israeli act of aggression against Iraq prompted even the Government of the United States to impose an embargo on its arms transfer to Israel. These arms supplies are supposedly to be used for purposes of self-defence. Obviously, this was not the case in Israel's use of these arms in its attack against Iraq. The United States-Israel mutual defence assistance agreement of 23 July 1952 binds Israel not to undertake any act of aggression against any other States. For the first time, the State Department indicated immediately after the attack that "substantial violations may have occurred". Senator Pressler from South Dakota stated: "We are going to have to stretch our imaginations a bit to find that the Arms Export Control Act has not been violated". Obviously, this is a very serious matter which concerns the whole international community.

35. As for the tenth preambular paragraph, it is pertinent to point out that in paragraph 2 of resolution 487 (1981) the Security Council called upon Israel to refrain in the future from any such military attacks or threats thereof. In spite of this call, Israel has not desisted from making such threats. Therefore it is incumbent on the General Assembly now to condemn these Israeli threats. The last preambular paragraph is solidly based on paragraph 4 of resolution 487 (1981) of the Security Council.

36. Turning to the operative part of the draft resolution, paragraph 1 contains a strong condemnation of Israel for its premeditated and unprecedented act of aggression in violation of the Charter and the norms of international conduct. The premeditated and unprecedented nature of the act committed by Israel in violation of the Charter and the rules of international conduct was established in paragraph 1 of resolution 487 (1981), which qualifies the Israeli act as a military attack. The last preambular paragraph of that resolution reiterated the principle of the non-use of force contained in Article 2, paragraph 4, of the Charter.

37. In addition, the strong condemnation by the Council of the military attack, with the qualification that that attack was in clear violation of the Charter and the norms of international conduct, should qualify that act as an act of aggression, for a number of reasons. First, it is well known that the term "aggression" was not used in the text of the Council resolution because of political considerations rather than legal considerations pertaining to the position adopted by certain permanent members of the Council, a position which did not conform to the overwhelming majority of views expressed in the Council.

38. Secondly, in resolution 3314 (XXIX), adopted by consensus, the General Assembly defined aggression as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition". The last phrase, "as set out in this Definition", is particularly important in view of the provisions contained in article 2 thereof as well as subparagraph (a) of the explanatory note following the general definition of

aggression contained in article 1, which I have just quoted. The explanatory note states that the term "State" is used "without prejudice to questions of recognition".

39. As for article 2, the component elements of an act of aggression are defined as follows:

"The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression although the Security Council may, in conformity with the Charter, conclude that a determination that an act of aggression has been committed would not be justified in the light of other relevant circumstances, including the fact that the acts concerned or their consequences are not of sufficient gravity."

Moreover, article 3 of the definition lists a series of acts which would qualify as acts of aggression, "regardless of a declaration of war" and "subject to and in accordance with the provisions of article 2". One of these acts is that referred to in subparagraph (b), namely:

"Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State".

40. The Security Council, having strongly condemned the Israeli act as having been committed in clear violation of the Charter and the norms of international conduct, having reiterated the obligation not to use force contained in Article 2, paragraph 4, of the Charter, having expressed deep concern about the danger to international peace and security created by the Israeli air attack, which was described as being premeditated, and having considered that the Israeli act generates responsibility leading to the entitlement to appropriate redress, could not possibly be said to have concluded that the relevant circumstances of the case before it would not, in the words of article 2 of the Definition of Aggression, justify "a determination that an act of aggression has been committed", were it not for the political considerations. Nor could it be said that the Council considered that the act committed by Israel and its consequences were not of sufficient gravity, because the Council clearly stated in the eighth preambular paragraph of its resolution that the danger to international peace and security created by the premeditated act "could at any time explode the situation in the area, with grave consequences for the vital interests of all States".

41. Thirdly, these formulations have been adopted unanimously and without dissent. Actions must indeed be taken in their total context and not simply in the context of how one permanent member of the Security Council views them. It could not possibly be argued that Iraq's refusal to accept Security Council resolutions 242 (1967) and 338 (1973) was generally considered by the Council as being a circumstance which prompted the Council to avoid the use of the term "aggression". Those two resolutions related to the framework adopted by the Council for the settlement of the hostilities which occurred in 1967 and 1973 respectively and hence relate exclusively to those situations and not to the specific characterization of an act of armed force committed by Israel without prior provocation or active hostilities between the parties. Therefore the acceptance or non-acceptance of these two resolutions by Iraq has no relevance within the context envisaged by article 2 of the Definition of Aggression. In the definition itself the General Assembly qualified certain acts as acts of aggression in accordance with article

2, even regardless of whether or not there was a declaration of war. This amounts to a process of characterizing each act *per se* on the merits of the specific facts that relate to its commission rather than on considerations of background or motivation. This is all the more evident in view of article 5, paragraph 1, of the definition, which provides that "No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression". The General Assembly, which has itself defined aggression in resolution 3314 (XXIX), for the guidance of the Security Council in determining whether an act of aggression has been committed, would, in the light of the aforementioned considerations, be acting fully within its competence under the Charter in deciding that an act of aggression was committed by Israel.

42. Operative paragraph 2 of the draft resolution follows the wording of paragraph 2 of the Security Council resolution. Operative paragraphs 3 and 5 reiterate calls already issued by the General Assembly in resolutions 33/71 A and 34/89, adopted in 1978 and 1979 respectively. In view of the act of aggression committed by Israel, it is imperative now more than ever that the General Assembly issue such a call to all States in a firm manner.

The President took the Chair.

43. Operative paragraph 4 is action-oriented. Since Israel has rejected resolution 487 (1981) which, in its paragraph 5, called upon Israel "urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency", the least that can be done is for the Assembly to request the Council to investigate Israel's nuclear activities and the collaboration of other States and parties in those activities. There should not be any technical or practical obstacle to the Council and other bodies carrying out a parallel investigation, for although their activities may be interrelated their terms of reference are obviously different. Precedents of such a nature have already been established. We can point to the example of the investigation of Israeli practices in the occupied territories.

44. Operative paragraph 6 does not need any explanation, since it is basically the same as paragraph 6 of the Security Council resolution. The last two operative paragraphs are procedural and self-explanatory and do not need any further comment.

45. Finally, I should like to quote the eloquent words of the representative of Tunisia, who is President of the Security Council for this month, when he concluded his statement at the 54th plenary meeting with a call to the Assembly concerning the draft resolution "To vote for it is to vote for law and international legality; it is to vote for the credibility of the Organization and for the international system set up to safeguard the uses of nuclear energy".

46. Having presented the draft resolution in full, we would like the General Assembly to vote on it immediately, particularly in view of the fact that if there were any doubts existing in the minds of some of our colleagues, this full explanation of the paragraphs and nuances of the text has, we hope, dispelled them.

47. The PRESIDENT: In accordance with the decision yesterday at the 55th plenary meeting, I call on the Director General of the International Atomic Energy Agency.

48. Mr. Eklund (Director General, International Atomic Energy Agency): As I observed in my statement to the Security Council on 19 June 1981, I consider the attack on the Iraqi nuclear research centre to be a serious development with far-reaching implications. Indeed, the Agency, since its establishment, has not, in my opinion, been faced with a more serious matter than that of the implications of this event.

49. The Agency's safeguards system is, in fact, a basic element of the Non-Proliferation Treaty and has a twofold objective: first, to assure the international community that States are complying with their non-proliferation undertakings; and, secondly, to deter diversion of nuclear material through the risk of early detection.

50. The assurance provided by the safeguards activities of the Agency as an independent and objective international trustee should lead to increased confidence among States and help to diminish the sense of national insecurity, which could be one of the main motivations for acquiring nuclear weapons. In this context, an aggressive military act against a nuclear facility under the Agency's safeguards on the ground of alleged weaknesses in those safeguards cannot but undermine the credibility not only of the Agency's activities but also of the Treaty itself. Thus, the Israeli attack on 7 June was in essence an attack simultaneously also against IAEA, the Non-Proliferation Treaty and the very climate of trust generated by the Treaty and its verification mechanism.

51. The Assembly will note with satisfaction that both the Board of Governors and the General Conference of IAEA, while condemning the attack, expressed continued confidence in the Agency's safeguards system. That attack has caused the attention of the mass media to be focused on the effectiveness of Agency safeguards. The military and political aspects of that event and the lack of understanding of the technicalities involved have made it difficult for the mass media to present a balanced picture in a correct perspective; as a result, the credibility of the Agency's safeguards system has been called into question. As is always the case, it is more difficult to restore credibility than it is to undermine it. The news media have been misled by the dissemination of incorrect statements and misleading allegations, not to speak of the role played in this context by a former Agency inspector who was summarily dismissed. In document A/36/610, which has been distributed to the Assembly and which reached me a few days ago, those allegations are repeated without substantiation.

52. I believe that this is not the forum in which to deal with all the technical details of the safeguards approach foreseen by the Agency at the Tamuz reactor; therefore I shall confine myself to a few salient facts.

53. Contrary to one view expressed in this Hall, the reactor in question is not an optimal instrument for plutonium production. Heavy-water moderated research reactors, such as the unsafeguarded Dimona reactor in Israel, have a considerably better potential for this purpose because those reactors unavoidably produce plutonium in the normal process of operation, without the necessity of making any alteration. This is not the case for reactors of the Tamuz type. In addition, the Tamuz I is a swimming-pool reactor and is in the same category as more than 100 other research reactors which are at present under Agency safeguards. A few of those reactors are designed to operate at a similar power level to that of Tamuz I. The core of those reactors is at the bottom of a pool filled with

crystal-clear water and therefore can be easily observed and checked. Extensive experience has shown that reactors of this very simple design pose no special problems concerning safeguards.

54. One of the basic allegations tries to create the misleading impression that the safeguards approach of the Agency at Tamuz I, kept at low key at the time of the attack, would not have changed with the starting of the reactor. Up to now, only 12.5 kilograms of highly enriched uranium contained in normal fuel assemblies have been shipped to Iraq. This amount is completely insufficient for the manufacture of a nuclear explosive. Since the reactor had not yet become operational, there was equally no possibility to produce plutonium. This being the case, two to three inspections per year in the pre-operational stage were sufficient.

55. The safeguards approach would have changed in the event of further fresh fuel shipments and with the start of the reactor. In fact, the Agency had already worked out the details of a more intensified safeguards approach long before the attack, following the example of a similar high-power research reactor which has been under safeguards for several years. Under the new approach to be put into effect upon the reactor becoming operational, the frequency of inspections would have been increased up to 26 times a year. In addition, in order to cover the interval between inspections, tamper-proof automatic camera systems would have been installed at the reactor. These cameras take pictures every few minutes. The verification task of the inspectors during the inspection of such a reactor is not so difficult or complicated: there are only a few dozen fuel assemblies to be counted and identified, and the presence of dummies, if any, discovered.

56. As to the possibility of clandestine production of plutonium, it should be understood that this would mean an exceptionally intense and sustained activity at the reactor, as plutonium production in this type of reactor would require an excessive consumption of highly enriched uranium. Any such occurrence would attract the attention of the inspectors. Further, supply of fuel by the supplier could be interrupted in case of doubt long before a significant amount of plutonium could be accumulated. In order to produce in one year sufficient plutonium for one explosive device, about 100 spent fuel assemblies would have to be replaced by fresh ones. Additionally, about 500 assemblies containing natural uranium and produced clandestinely would have to be inserted into and subsequently removed from the reactor—that is, from a spot 1.5 by 1.5 metres square on the bottom of the transparent pool. In total, about 1,200 movements of rather large objects, 1 metre long and 8 by 8 centimetres across, would have been necessary during the year. Rearrangement of the reactor core before the arrival and following the departure of the inspectors would require several hundred additional transfers of highly radioactive fuel assemblies. It is beyond doubt that such intensive activity would have been easily and clearly observed as distinct from the usual research activities on the films which would have been taken by the cameras.

57. Let me now refer to the argument that there are other nuclear facilities in Tuwaitha which could be used for diversion and which are not yet under safeguards. Iraq is required to report the design information of these facilities to the Agency before any nuclear material is transferred to them so as to allow the Agency to prepare the appropriate safeguards approach. In any event, we should bear in mind that these facilities are of no value for the

clandestine separation of plutonium as such an attempt would be discovered through safeguarding the reactor, simply because plutonium can be produced only in the reactor.

58. I do not wish to burden the members of the Assembly with more technical details to refute the other points made in document A/36/610. I believe these few examples speak for themselves.

59. The PRESIDENT: I shall now call on those delegations that have asked to speak in explanation of vote before the vote. I should like to remind the Assembly of its previous decision that explanations of vote should not exceed 10 minutes and should be delivered from the seat of the speaker.

60. Mr. de PINIÉS (Spain) (*interpretation from Spanish*): Last June, when the Security Council examined the issue of the Israeli attack against the Iraqi nuclear installations, I had occasion to express my Government's attitude concerning that odious act. Our attitude is an obvious consequence of the unequivocal stance that my country has always maintained in connection with the regrettable conflict in the Middle East. On that occasion, my delegation, together with the other members of the Council, voted in favour of resolution 487 (1981), which strongly condemned the Israeli attack.

61. I wish to reiterate the view of the Spanish Government on this issue, within the broader context in which it must necessarily be placed.

62. The attack perpetrated by Israel on 7 June of this year against the Iraqi nuclear installations constituted a clear violation of the basic norms of international law and of the principles on which the United Nations is founded. That act met with immediate condemnation by my Government—condemnation which we repeat today in the firmest terms. Israel's attempted justification, on the basis of a strange interpretation of the right to self-defence, which we heard again in Israel's statement before the General Assembly on 11 November, is unacceptable. It is impossible to accept an interpretation of Article 51 of the Charter which would mean that States would have a right to preventive action that would make them judge of, party to and perpetrator of any action against other States at will.

63. The issue that we are considering cannot be separated, as I have already stated, from the broader context in which it occurred—namely, that of the continued crisis in the Middle East. Once again, I wish to point out that it is high time to come to grips with the task of solving this conflict. Any solution must include respect for at least these three elements: first of all, the inadmissibility of the acquisition of territories by force, which, in practical terms, means that Israel must withdraw from all the Arab territories it occupied in 1967; secondly, recognition and full implementation of the inalienable national rights of the Palestinian people, including the right to self-determination in its own homeland; and, thirdly, the guarantee of the right of all States of the region to live in peace within secure and recognized boundaries.

64. In my statement before the Security Council last June² I indicated the essential elements that should be contained in any resolution on this problem. They are: strong condemnation of the Israeli attack; the requirement of reparations for the victims of the attack and for the vast material damage caused; reiteration of the right of all States to free access to nuclear technology for peaceful

purposes; and an appeal to all countries to refrain from providing highly sophisticated war material to areas of conflict such as the Middle East.

65. With regard to the draft resolution about to be put to the vote, my delegation wishes to place on record its reservations about the reference made in the third preambular paragraph to resolutions 33/71 A and 34/89, in the votes on which Spain abstained. I should like also to note that we would have preferred the preambular paragraph in which reference is made to the misuse of aircraft and weapons by Israel to have been drafted in a more balanced way. Furthermore, Spain, which is a non-permanent member of the Security Council, considers that the drafting of operative paragraphs 4 and 5 is not entirely satisfactory because it prejudices actions falling within the purview of the Security Council.

66. With these reservations, my delegation will vote in favour of the draft resolution.

67. Mr. BARBOSA de MEDINA (Portugal) (*interpretation from French*): In a communiqué issued on 11 June 1981 the Government of Portugal condemned the Israeli military attack against the Iraqi Osirak nuclear reactor. Subsequently, and taking account of the general context of violence which unfortunately prevails in the Middle East, Portuguese public opinion expresses its support for Security Council resolution 487 (1981).

68. Indeed, Portugal could not but associate itself with the condemnation of the Israeli military attack, for it was a violation of the Charter and of the basic principles of international law. Nor could we fail to call for the recognition of the sovereign and inalienable right of every State to pursue its own programme for the peaceful use of nuclear energy, taking into account international measures for the prevention of the proliferation of nuclear weapons.

69. The position of the Government of Portugal and of Portuguese public opinion is based on the fact that the fundamental principles that determine the international policy of my country include those of the territorial integrity and the inviolability of the sovereignty of States. My Government also recognizes the obligation of all States in the present circumstances to seek alternative sources of energy, and their parallel duty to submit all their nuclear installations to control under the safeguards system of IAEA. The Portuguese authorities view with concern any behaviour that might diminish the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons, especially as Portugal has always advocated adherence by all States to that instrument and as we fully share the concern already expressed in the course of the debates in the Committee on Disarmament on the subject of attacks on nuclear installations.

70. Therefore, my delegation supports draft resolution A/36/L.14/Rev.1. However, references that we cannot but consider to be discriminatory, as well as delicate procedural implications arising from that document, prevent my delegation from voting in favour of it without reservations, for the draft resolution contains elements contrary to principles which, in the view of my delegation, are essential to the functioning of the Assembly and the Organization.

71. Mr. FRANCIS (New Zealand): The Government of New Zealand has already made clear its view that the Israeli attack of 7 June on Iraq's nuclear facilities was a grave and unjustifiable breach of international law and a

blow to the peaceful conduct of relations between States. The raid was a severe setback to the search for peace in the Middle East. We also believe that the raid had adverse effects on the non-proliferation régime established under the Non-Proliferation Treaty and weakened the trust placed in the IAEA safeguards system. New Zealand fully supports the terms of the condemnation of the Israeli raid contained in Security Council resolution 487 (1981) of 19 June.

72. The text of the draft resolution on which we are about to vote, however, presents my delegation with several difficulties. In particular, we have difficulty with those parts of the draft resolution which evoke the wording of and the action provided for under Chapter VII of the Charter, which is properly the responsibility of the Security Council. We find the references in the ninth preambular paragraph to the origin of the arms somewhat gratuitous and have reservations about operative paragraph 4, which appears to call for the duplication of investigations already being undertaken in response to the request of the General Assembly.

73. For these reasons, my delegation will abstain in the vote on the draft resolution.

74. Mr. KAMANDA wa KAMANDA (Zaire) (*interpretation from French*): When, on 7 June 1981, Israel launched a premeditated air attack against Iraqi nuclear installations, the Government of the Republic of Zaire deeply concerned by the threat to international peace and security and by the possible explosion such an attack could set off in the region, with consequences for the vital interests of all States, unequivocally condemned Israel's attack against the Iraqi nuclear installations at Tamuz. The Government of Zaire also addressed a message of sympathy to the Iraqi Government, with which it maintains excellent relations of friendship and co-operation.

75. I should like to reiterate the position of my Government. I wish to take this opportunity to draw the attention of Member States—and in particular those which seem to be making a habit of launching armed attacks against other countries—to the provisions of Article 2, paragraph 4, of the Charter, which states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

76. The delegation of Zaire would like to reaffirm at this time the sovereign and inalienable right of all States to carry out programmes of technological and nuclear development for peaceful purposes in accordance with internationally accepted objectives in connection with the prevention of the proliferation of nuclear weapons. Israel's threat that it will carry out other such attacks if and when it considers it necessary to do so, certainly runs counter to the spirit and letter of Article 2, paragraph 4, of the Charter and of Security Council resolution 487 (1981), and no State can remain indifferent to it. We condemn such conduct.

77. There can be no doubt that the Israeli attack against the Iraqi nuclear installations endangered the safeguards system of IAEA, the foundation of the Non-Proliferation Treaty, in the light of the statements made by the Director-General of the Agency to its Board of Governors and, on 19 June 1981, to the Security Council, and of the relevant resolutions adopted by the Board of Governors of

the Agency and by its General Conference. This is why the Republic of Zaire fully supported the terms of resolution 487 (1981). My delegation therefore condemns the Israeli attack against the Iraqi installations, Israel's threats to resort to further acts of this nature if and when it sees fit to do so and Israel's nuclear collaboration with a State in a region that is extremely sensitive and that we wish to see free of nuclear weapons. We deplore the fact that Israel did not respond favourably to the appeal of the Security Council calling upon it urgently to place its nuclear facilities under the IAEA safeguards. Lastly, we consider that Iraq is entitled to appropriate redress for the destruction it has suffered, responsibility for which has been acknowledged by Israel.

78. Having said this, my delegation considers that the analysis made during consideration of item 130, on the consequences of that attack for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security, which is also contained in draft resolution A/36/L.14/Rev.1, is somewhat superficial and does not cover as it should all the aspects of the problems in an area as sensitive as the Middle East. We therefore have very clear reservations about that analysis as it is set out in some preambular and operative paragraphs of the draft resolution. For that reason, my delegation will abstain in the vote on the draft resolution.

79. Mr. TRUCCO (Chile) (*interpretation from Spanish*): Chile is firmly convinced that there can be no order of peace and security at the international level if countries do not strictly refrain from the threat or use of force in their international relations. It is on the basis of that unshakable conviction that my country is in favour of an efficient and comprehensive system of safeguards in the use of nuclear technology.

80. We wish to record our position in this connection clearly and firmly. We are seriously concerned by all acts involving the use of force against the territorial integrity and sovereignty of States. Such acts run counter to the rules of international law and contribute to a dangerous heightening of tension among States. The prohibition in Article 2, paragraph 4, of the Charter is sufficiently clear and indicates that it is possible to resort to the rights established in Article 51 only in the case of prior armed aggression. Moreover, with regard to agenda item 130, we believe that the consideration of this question by the Security Council was sufficient and intelligent, and that by the adoption of resolution 487 (1981) the international community took appropriate and relevant steps. On the other hand, draft resolution A/36/L.14/Rev.1 would not, in our view, lead to the proper implementation of the provisions of the Security Council resolution. We believe, moreover, that the draft resolution has been worded in an inappropriate way, using exaggerated language, and this makes it unacceptable to us. Because of this, Chile will abstain when the draft resolution is put to the vote.

81. Mr. OZORES TYPALDOS (Panama) (*interpretation from Spanish*): The Panamanian Government condemned the bombing of the Iraqi nuclear reactor by the Israeli air force at the time it occurred. Its vote must therefore be consistent with that condemnation. In connection with the text of the draft resolution, Panama has reservations about the wording of several of its paragraphs, which we would have liked to be drafted differently. With regard to the coercive measures mentioned in the draft resolution, this is a problem that is proper to the Security Council, in which Panama will be expressing its views on this issue.

82. With those reservations in mind, Panama will cast an affirmative vote on the draft resolution now before us.

83. Mr. ADELMAN (United States of America): Yesterday we spoke at length on this issue. I should merely like to reiterate the fact that the American delegation strongly opposes the draft resolution before us. We urge all delegations to consider our six reasons for opposing the draft resolution and to think carefully about those reasons and factors before voting.

84. We strongly oppose the draft resolution, first, because the subject was debated at length last June in the most appropriate United Nations body, the Security Council, where matters alleged to be a threat to peace and security are properly brought. The Security Council then acted on the matter by a unanimous vote. Nothing has happened in the region with regard to this matter since the Security Council acted.

85. Our second reason is that no useful purpose can be served by the present debate. It does not and cannot contribute to the cause of peace in the Middle East. On the contrary, such an unbalanced draft resolution can only complicate any search for peace.

86. Thirdly, we believe that the description of Israel's action last June as "aggression" is objectionable. Security Council resolution 487 (1981) scrupulously avoided that term as prejudiced and legally troublesome.

87. Fourthly, this draft resolution diverts attention from what should be the focus of United Nations efforts, namely, the pursuit of peace and security in the Middle East. Enormous progress has been made by two States in that region.

88. Fifthly, the United States strongly objects to the draft resolution's call to alter our relationship with Israel, to which the United States is bound by strong ties. Other major Powers are not asked here to stop their arms supplies to Israel's neighbours. This makes the language of the draft resolution one-sided and unfair.

89. Sixthly, the request in the draft resolution to have the Security Council investigate Israel's nuclear activities is politically motivated and will not lead to positive results. Alternatively, the effort to achieve a nuclear-weapon-free zone in the Middle East is one we can and do support.

90. Mr. BLUM (Israel): The voting on the draft resolution before us this morning will long reverberate beyond the confines of this Hall, for the issues at stake raise questions of great moral import. The draft resolution before us does not begin to do justice to those issues, for it is merely the squalid outgrowth of deliberations based on an item consciously formulated in a hostile, one-sided and biased manner. It takes no account whatsoever of the nuclear option which Iraq was developing. It takes no account of the fact that for over 30 years Iraq has been in a state of war with Israel, that it has never disguised its bellicose intentions towards Israel, that it has consistently violated the prohibition of the use of force and threat of force enshrined in the Charter, that it has openly rejected Security Council resolutions 242 (1967) and 338 (1973), most recently this morning in this Hall, and that it has been prominent in every Arab attempt to destroy Israel. It takes no account of the fact that for six long years Israel tried by diplomatic means to remove the mortal threat to its very existence which would have been created were

Osirak to have become operational. It totally ignores Iraq's attempts to bypass purposefully and methodically its obligations under the Non-Proliferation Treaty and the safeguards agreement of IAEA and that, at the end of the day, Israel was left with no alternative but to destroy Osirak in the legitimate exercise of its right of self-defence.

91. Representatives in this Hall know very well that this is the truth of the matter. No amount of polemics, posturing, pontificating and empty rhetoric can cloud the facts of the case. No amount of hypocrisy and crocodile tears on the part of some of Iraq's neighbours and, indeed, on the part of many States from further afield, can disguise their relief that Saddam Hussein al-Takriti's nuclear facilities have been destroyed.

92. As so very often happens in the General Assembly, particularly with regard to questions relating to the Middle East, few members will vote on the merits of the case. Most will vote for reasons of political expediency and on the basis of considerations in no way connected with the question before us. Some will vote out of what is euphemistically called here "bloc unity". Others will vote, not after having consulted their conscience, but after having "harmonized" their position, as it were, with their friends. In other words, they will vote on the lowest common denominator within their disparate group. One might have hoped that in addressing this question countries would have risen to the occasion, that they would have set aside cynicism and expediency. One might have hoped that they would have seen the issue as a moral question and grappled realistically with the points of principle involved. This apparently was not to be. The Assembly in its deliberations has thus forgone an historic opportunity to address itself seriously to the perils and challenges that confront all nations today, big and small alike.

93. The draft resolution before us contains unwarranted and unacceptable demands. Some of them even echo the language of Chapter VII of the Charter. Israel rejects the draft resolution in its entirety.

94. Israel's enemies would dearly like to see my country disarmed and rendered defenceless. We have not forgotten how in the darkest years of this century nations stood silent and, to their lasting shame, shirked their moral responsibility. Let them ponder this lesson of history as they come to cast their votes today. Irrespective of the outcome of the vote, let me make it perfectly clear that, since the restoration of Jewish statehood, the days of Jewish defencelessness are over.

95. Some 30 years ago, one of the great statesmen of this century wrote:

"... the safety of the State, the lives and freedom of their own fellow countrymen, to whom [leaders] owe their position, make it right and imperative in the last resort, or when a final and definite conviction has been reached, that the use of force should not be excluded. If the circumstances are such as to warrant it, force may be used. And if this be so, it should be used under the conditions which are most favourable. . . . These are the tormenting dilemmas upon which mankind has throughout its history been so frequently impaled. Final judgment upon them can only be recorded by history in relation to the facts of the case as known to the parties at the time, and also as subsequently proved."

The man who wrote these words was one of the outstanding leaders of the great wartime coalition which brought

this Organization into being. His name was Winston Churchill.

96. Mr. MARTINI URDANETA (Venezuela) (*interpretation from Spanish*): The Venezuelan Government has had occasion, through different channels and in different forums, to condemn severely, categorically and unequivocally Israel's attack against a peaceful nuclear installation in Iraq. On this occasion Venezuela wishes to reiterate its most severe reprobation of that Israeli action, which sets a dangerous precedent by demonstrating an attitude of disdain for the norms designed to guarantee the sovereign and inalienable right of States to develop and use nuclear energy for peaceful purposes, in order to promote their scientific, technological and economic progress.

97. For these reasons, my delegation will vote in favour of draft resolution A/36/L.14/Rev.1. None the less, my delegation wishes to state that some of the paragraphs of the draft resolution contain terms that do not correspond to its fundamental object: Israeli armed aggression against Iraqi nuclear installations, and the serious consequences of that attack for the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security. In particular, as regards operative paragraph 5, although we understand the urgent need to prevent any Member State from committing acts such as that of Israel against Iraq, which can endanger international peace and security, none the less, my delegation is concerned in this case that the General Assembly should be making reference to enforcement action by the Security Council.

98. The PRESIDENT: The Assembly will now take a decision on the draft resolution. A roll-call vote has been requested.

A. vote was taken by roll call.

The German Democratic Republic, having been drawn by lot by the President, was called upon to vote first.

In favour: German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe, Afghanistan, Albania, Algeria, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia.

Against: Israel, United States of America.

Abstaining: Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Japan, Luxem-

bourg, Malawi, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Sweden, United Kingdom of Great Britain and Northern Ireland, Zaire, Argentina, Australia, Austria, Bahamas, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France.

The draft resolution was adopted by 109 votes to 2, with 34 abstentions (resolution 36/27).

99. The PRESIDENT: I shall now call on those representatives who wish to explain their vote.

100. Mr. KAPOMA (Zambia): Zambia voted in favour of the resolution just adopted. My Government has already categorically condemned the unprovoked and premeditated Israeli aggression against the Iraqi nuclear facilities. By our positive vote on the draft resolution we wish once again to express Zambia's strong support for and solidarity with the Government and the people of Iraq, who have been victims of a dastardly and savage act perpetrated in complete violation of international law, an act that poses a serious threat to international peace and security. It is indeed fitting that the General Assembly and, earlier, the Security Council should have condemned the Israeli aggression against Iraq in no uncertain terms. The entire international community was utterly outraged and alarmed by the bestial event of 7 June 1981. The resolution just adopted contains references to the Treaty on the Non-Proliferation of Nuclear Weapons. As is well known, Zambia is not a signatory to the Treaty. I therefore wish to state for the record that our vote today in favour of the draft resolution on the Israeli aggression against Iraq is without prejudice to Zambia's position on the Non-Proliferation Treaty.

Mr. Naik (Pakistan), Vice-President, took the Chair.

101. Sir Anthony PARSONS (United Kingdom): In their common statement in the debate, the 10 member States of the European Community, on behalf of whom I am speaking, made clear the deep concern with which they have approached this matter. They repeated their strong condemnation of Israel for its attack on Tamuz and they have made clear the very serious consequences which they believe to have resulted from this premeditated use of force. In voting on the draft resolution the members of the Community, as they made clear in their statement on the debate at the 53rd meeting, would have preferred the draft resolution to have been based more closely on the unanimous terms of Security Council resolution 487 (1981), which has their full support.

102. On the text of the resolution as it stands, member States have important reservations about paragraphs 3, 4 and 5 in particular. Those paragraphs go significantly further than resolution 487 (1981) in that they call for enforcement action by the Security Council, including a selective arms embargo. The members of the Community do not believe that such action would be appropriate, practicable or desirable in terms of the search for a just, lasting and comprehensive peace settlement in the Middle East. They would also point out that the question is already before the Security Council—which has primary responsibility for the maintenance of international peace and security—by virtue of paragraph 7 of resolution 487 (1981).

103. Mr. NISIBORI (Japan): As my delegation made clear yesterday in its statement on the item before us, the Government of Japan considers the Israeli attack on the

Iraqi nuclear installations as a flagrant breach of international law and the fundamental principles of the Charter. However, since there are in both the preamble and the operative paragraphs of the resolution just adopted several points which my delegation finds difficult to accept, it was obliged to abstain.

104. Mr. LOĞOĞLU (Turkey): We voted in favour of the resolution just adopted and I should like to explain our vote.

105. As is expressed in the resolution, we condemn Israel's aggression against the Iraqi nuclear centre and we are deeply concerned with its serious implications. We explained our views on the question in some detail at the 16th meeting in the course of the general debate. There is one more point, however, which we should like to put on record at this stage. Israel is a country that acquires weapons from a number of countries and a variety of sources. For that reason we would have preferred it if in the preambular section of the draft resolution just adopted no particular country had been singled out by name as a supplier of weapons to Israel.

106. Mr. KLESTIL (Austria): In his statement in the general debate [21st meeting] the head of the Austrian delegation had the opportunity to restate Austria's rejection of the armed attack of Israel on the Iraqi nuclear installations in Tamuz, and he presented the reasons for this position.

107. The draft resolution which has just been put to the vote, in several aspects meets this position and reflects our concerns. It does, however, go beyond resolution 487 (1981) and introduces new elements, infringing upon the prerogatives of the Security Council. Austria therefore decided to abstain in the vote.

108. Mr. BUENO (Brazil): My delegation voted in favour of the draft resolution in spite of the references it makes to a Treaty on which the position of Brazil needs no reiteration and of the language utilized in some paragraphs, including paragraph 5.

109. Mr. KRISHNAN (India): While it voted in favour of the draft resolution just adopted, the delegation of India wishes to place on record that this is without prejudice to its well-known position on the question of the Non-Proliferation Treaty and of full-scope or other discriminatory safeguards.

110. Mr. BOLE (Fiji): My delegation abstained on the draft resolution. The position we have taken is not, however, to be interpreted as an endorsement on the part of my delegation of Israel's attack on Iraqi nuclear installations on 7 June of this year. The position of my Government on issues such as this is well known. It will never support premeditated armed attacks by any State on another. My Government firmly believes that differences between States which may threaten international peace and security can always be settled by peaceful discussions and negotiations.

111. In this connection we deplore in the strongest terms Israel's attack on the Iraqi nuclear installations. We abstained, however, because in our view the ideas contained in paragraphs 3, 4 and 5 do not contribute in any significant way to the long-term objective of encouraging peace and stability and the security of States in the Middle East. We have therefore interpreted the provisions of paragraph 3 as not including the right of any State to meet its legiti-

mate security needs. Further, while we recognize the right of the General Assembly to make any recommendations on questions of international peace and security as contained in paragraphs 4 and 5 of the resolution, we believe it is for the Security Council to make the final determination on this matter. Of relevance in this regard is paragraph 7 of resolution 487 (1981), which was adopted unanimously.

112. Mr. BLOMBERG (Finland): The delegation of Finland abstained in the vote just taken. The position of the Government of Finland on the Israeli attack against the Iraqi nuclear installations is clear and has been expressed in several contexts. We concur with resolution 487 (1981), in which the Security Council firmly condemned the military attack by Israel as a clear violation of the Charter and the norms of international conduct. The attack represents a new kind of international violence. The fact that it was committed against a State party to the Non-Proliferation Treaty and a facility under the safeguards system of IAEA is particularly disturbing.

113. However, we were not able to support the resolution just adopted. In our view, it contains provisions that are not in keeping with the respective powers of the Security Council and the General Assembly, as provided for in the Charter. Further, we consider that the resolution includes elements which could more appropriately have been dealt with in other contexts.

114. Mr. DLAMINI (Swaziland): In voting in favour of the draft resolution just adopted, my delegation has been guided by the underlying principle that States should refrain from the use of force in their international relations. However, my delegation has reservations regarding some elements contained in this resolution.

115. Mr. SKOGMO (Norway): Norway abstained in the vote on the draft resolution. Norway's position concerning the Israeli attack on the Iraqi nuclear installations outside Baghdad is well known. We have expressed our support for Security Council resolution 487 (1981), which was adopted unanimously in connection with this incident. We have stated that we consider this attack a very serious matter and a clear violation of international law. Norway considers it to be of the greatest importance that the countries in the Middle East respect the territorial integrity of all States. We feel that this attack constitutes a serious threat to the entire safeguards régime of IAEA, which is the foundation of the Non-Proliferation Treaty.

116. The Norwegian Government has, however, very serious reservations concerning several of the paragraphs in the present text. In particular, we feel that paragraphs 3 and 5 indicate that the General Assembly assumes responsibilities that, under the Charter, belong to the Security Council.

117. Mr. BENDAÑA RODRÍGUEZ (Nicaragua) (*interpretation from Spanish*): Nicaragua was among the countries that requested the inclusion of the item on armed Israeli aggression against the Iraqi nuclear installations. In the Security Council³ my delegation expressed its categorical condemnation of the Israeli act of aggression and in a consistent way we have today voted in favour of the draft resolution.

118. We should like to add today some new considerations to what we stated in the Security Council, since our country is the subject of threats from Israel's main ally.

Therefore, Nicaragua can only be encouraged by the will demonstrated in the Assembly today by the Assembly's condemnation of the imperialist policy of threatening the sovereignty of independent countries.

119. Mr. BACKLUND (Sweden): The Swedish Government has strongly condemned the Israeli attack on the Iraqi nuclear installations. It constituted a flagrant violation of the provisions of the Charter and the rules of international law. No circumstances could have justified this act, which can but negatively affect efforts to reach a lasting peace in the Middle East. The interpretation by Israel of Article 51 of the Charter, invoking the right of self-defence, is not convincing. It implies that the concept of legitimate self-defence could be extended almost limitlessly to include all conceivable future dangers, subjectively defined. The implications of such an interpretation are dangerous and could jeopardize peace if other nations followed that argument. My Government has also expressed concern with regard to the consequences of the attack on the safeguards régime of IAEA.

120. It is therefore with regret that we have found that the resolution is formulated in such a way that we have been unable to support it. In particular, several paragraphs contain formulations that cannot, in the view of my Government, be reconciled with the division of responsibilities envisaged by the Charter between the Assembly and the Security Council.

121. For these reasons, along with reservations on other parts of the text, my delegation abstained in the vote on the resolution.

122. Mr. BELTRAMINO (Argentina) (*interpretation from Spanish*): The Argentine delegation abstained in the vote on the draft resolution. I should like in this connection to recall that the Argentine Government has already expressed, and on this occasion reiterates, its condemnation of the Israeli aggression against the Iraqi nuclear installations. None the less, the draft resolution does contain certain elements that do not seem to us appropriate in this context, and this prevented us from giving it our support.

123. Mr. Van LIEROP (Vanuatu): On the instructions of the Government of Vanuatu, my delegation voted for the resolution. However, we do feel that some of the language in the resolution could have been improved. Despite our view on the imperfection of some of the language, we cast our vote for what we believed to be the essence of the resolution and we sincerely hope that Members will scrupulously apply the same standards that they have applied in this case to similar cases in other parts of the world, such as our own region.

124. Mr. KERGIN (Canada): My delegation wishes to explain its vote on the resolution just adopted. Canada has strongly condemned the Israeli attack on Iraq's nuclear reactor, which is included under the safeguards system imposed by IAEA. We reiterate here our firm view that this act of violence, which occurred last June, must be deplored as an action which has complicated efforts to find a settlement of the problems of the Middle East region.

125. Nevertheless, my delegation has abstained on the resolution before us, which goes beyond condemnation. It is the view of my delegation that several of its provisions clearly impinge on the exclusive prerogatives of the Security Council—for example, the action called for in

paragraph 3. Paragraph 1 defines the action as constituting a "threat to international peace and security". This is the strict responsibility of the Security Council. Paragraph 5 requests the Security Council "to institute effective enforcement action". This is an action on which the Council itself must decide to initiate consideration and decision. Furthermore, by introducing questionable and contentious assumptions, this resolution, unfortunately, does not contribute to the process of resolving those differences that create obstacles to the comprehensive settlement in the Middle East, which we all so much desire.

126. Mr. TOMA (Samoa): The Samoan delegation voted in favour of the draft resolution, because we believe that the attack on the Iraqi nuclear plant was indeed an act of aggression in violation of the Charter. Such an act cannot be condoned, to say nothing of the arrogance of its perpetrator in choosing not to be subject to the safeguard régime of IAEA.

127. We wish, however, to register our reservations on some of the operative paragraphs and in particular paragraph 3. In our view, this paragraph seeks an unreasonable step which does not appear to us to conform with the kind of balanced approach necessary to lessen tension in the Middle East and the likelihood of acts of aggression occurring in the future.

128. Mr. AZAR GÓMEZ (Uruguay) (*interpretation from Spanish*): The Government of Uruguay condemns all armed aggression and has already expressed its serious concern about the armed aggression against the Iraqi nuclear reactor, but we must express reservations on the resolution just adopted because of the selective nature and the terminology of some of its paragraphs.

129. We believe that the fifth preambular paragraph should have been worded in a more balanced way and not in the selective manner in which it now appears. Likewise, we have reservations concerning the contents of paragraphs 3 and 5, which prejudge the future attitude of a State and therefore detract from the objectivity of the text. We are also concerned about the repetition of the treatment of this item and the profusion of resolutions on the subject, which deprives the discussion of it of its original intention and meaning.

130. The PRESIDENT: I shall now call on representatives who wish to speak in exercise of the right of reply.

131. Mr. BLUM (Israel): Last night I confronted the Iraqi representative with a series of questions to which Israel had been demanding answers ever since Iraq indignantly brought its bruised feelings over the loss of its reactor before the international community. With what he apparently believed was a great show of sang-froid, the Iraqi representative stalked out of the Assembly, shouting petulantly that Iraq would never answer those questions. That is not good enough. Iraqi representatives can try to run away from those questions, but the questions will not go away. They remain, and they bear repeating, for they are at the very crux of the matter.

132. So, yet again, I would ask the Iraqi representative the following. First, why did Iraq first try in 1974 to acquire a nuclear power reactor of a kind designed *inter alia* to produce large quantities of plutonium for military use? Secondly, why did Iraq insist on receiving a 70-megawatt reactor which has no application as an energy source? Thirdly, why did Iraq insist on receiving weapon-grade fuel rather than the less proliferant alternative of

Caramel fuel? Fourthly, what is Iraq's demonstrable need for nuclear energy, given its abundant oil supplies? Fifthly, if Iraq has such a need, why has it not developed a commercial nuclear programme? Why has it not made any transactions 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? Seventhly, why has Iraq been making frantic efforts to acquire and stockpile large quantities of natural uranium, some of which is not under IAEA safeguards?

133. As I said in my statement on Wednesday, Iraq's silence on these questions speaks louder than words. The Iraqi representative's behaviour last night gave his case away. Since he refuses to answer our questions, let me provide the answer. In the Osirak complex Iraq was developing a nuclear option whose prime target was Israel. Despite the welter of words in this debate, it is Iraq which stands condemned. Iraq may have won a vote. Iraq has lost its case.

134. Mrs. AL-TURAIHI (Iraq): The representative of the Zionist régime has again entered the international arena to prove how arrogant he is and how audacious he is. We are not under questioning; nor are we the aggressors. Many questions will arise on their side: why they did not sign the Non-Proliferation Treaty; why they are not under the IAEA safeguards; why they do not let even United States investigators go to Dimona. There are many whys. In many committees their aggression and their preparations have been proved, and also the report of the Group of Experts has proved that they have nuclear arms. So we do not have to go into their whys, which have become like an old phonograph record that is out of tune.

135. Mr. BLUM (Israel): The Assembly has surely had enough of the Iraqi delegation's bluster. By their own admission, their Government will not answer the questions which are ringing in the Assembly's ears, because they cannot, or rather dare not. Despite protestations to the contrary, no one here has been fooled. Everyone knows the truth.

136. Mr. FARIS (Jordan): A little while ago the Israeli representative explained his vote in a very impudent and rude way, defying world opinion and attempting to impose his aggressive ideas on Member States. Furthermore, he analysed in his own way the attitude of the Member States that voted in favour of the draft resolution. He expressed his Zionist feelings to the effect that Israel and he himself are above the law and are guided by the racist ideas of the pioneer Zionists like Herzl and Weizmann, who invented Zionism, which is racism in so far as it teaches that Jews, generation after generation, are the masters of the world and the chosen people of God. From that point of view, the representative of Israel permits himself to analyse attitudes and positions concerning the aforementioned draft resolution on behalf of others. He says it is permissible for peoples to use force in the most convenient circumstances.

137. I should like to ask: Why does Israel not recognize the struggle of the Palestinians—in the most convenient circumstances, as the representative of Israel says—to recover and restore their occupied lands and to exercise their self-determination and inalienable legitimate rights? What is the representative of Israel trying to do? He is trying to impose his aggressive position on all Member States in an effort to convince them that Israel has the right to commit acts of aggression but that Iraq is not

entitled to defend its rights here in the international community.

The meeting rose at 1.30 p.m.

NOTES

¹ See *Official Records of the Security Council, Thirty-sixth Year, 2288th meeting.*

² *Ibid.*, 2282nd meeting.

³ *Ibid.*, 2287th meeting.