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**THE NEED FOR INTERNATIONAL AGREEMENT
PROHIBITING ARMED ATTACKS AGAINST NUCLEAR INSTALLATIONS**

On 7 June 1981, Israeli war planes attacked and destroyed the Iraqi Tammuz research reactor, which was under IAEA safeguards. This premeditated and unprovoked criminal attack has initiated, among other things, worldwide discussions on the need to protect nuclear facilities against armed attacks. It has also provoked a wide debate on the legal, political and radiological aspects of such an attack. Moreover, the consequences for the peaceful uses of nuclear energy, the credibility of the safeguards system operated by the IAEA and the principles of non-proliferation have been explored, with some concrete conclusions.

Although it is not the purpose of this paper to dwell on the particular question of the Israeli armed attack on the Iraqi nuclear facilities, the many conclusions and opinions resulting from -- or related to -- this unprecedented incident will nevertheless immensely clarify our point of view, which is summarized in the answer to the two following questions: why should nuclear facilities be immune from armed attacks? and, which international fora are more competent to deal with this question?

In order to put this issue into its proper perspective, one should recall the worldwide reaction to such an attack -- on the part of States and international figures and in international documents and resolutions.

A. Radiological consequences

Armed attacks on nuclear facilities, because of their inherent radiological mass-destruction repercussions, have -- inter alia -- health, environmental and ecological consequences which are tantamount to those of radiological warfare, as expressed in the following:

A-1 "Intentional destruction, even with the help of conventional weapons, of atomic power plants, research reactors and similar installations might cause the release and dissemination of huge amounts of radioactive substances which would have fatal consequences for the population. In other words, it would be tantamount in its effect to a nuclear explosion."

(Andre Gromyko, 37th session of the
General Assembly)

A-2 "From recent experience it is evident that, unless effective precautionary measures are adopted at the international level, certain nuclear installations could become the target of hostilities and therefore radiological warfare could be, in effect, initiated by the use of conventional weapons."

(Dr. Sigvard Eklund, former Director
General of the IAEA, in a statement to the
General Assembly in June 1981)

A-3 "... attacks on certain categories of peaceful nuclear facilities could result in serious radiological harm to persons and contamination of the biosphere."

(Report by Dr. Hans Blix, Director General
of the IAEA, GC(XXVIII)/719, Annex 3)

A-4 The General Conference ... "Urges Member States to initiate or support actions in the proper international fora with the aim to prohibit military attacks against "civilian" nuclear installations since such attacks could result in the release of dangerous forces and could be tantamount to an attack by nuclear weapons".

(IAEA General Conference resolution
GC(XXVII)/RES/409)

A-5 The General Assembly ... "Taking into consideration that the peaceful applications of nuclear energy involve the establishment of a large number of nuclear installations with a high concentration of radioactive materials, and bearing in mind that attacks against such nuclear facilities could have disastrous consequences".

(General Assembly resolution 38/188 D of 1983)

A-6 The General Assembly ... "Deeply concerned that the destruction of nuclear installations by conventional weapons causes the release into the environment of huge amounts of dangerous radioactive material, which results in serious radioactive contamination".

(General Assembly resolution 41/59 I of 1986)

A-7 The General Assembly ... "Reaffirms that military attacks of any kind against nuclear facilities are tantamount to the use of radiological weapons due to the dangerous radioactive forces that such attacks cause to be released".

(General Assembly resolution 41/59 I of 1986)

A-8 "In the event of the destruction of nuclear power plants and some other nuclear facilities with nuclear weapons there could be catastrophic radiological effects on a global scale as a result of the large amounts of radioactive material that would be dispersed from those facilities, in addition to the effects of the use of weapons themselves. This supports the conclusion that the world community should be extremely interested in the prohibition of attacks against peaceful nuclear facilities on the basis of international agreement."

(Report of a group of experts appointed by the Secretary-General, A/38/337 of 1983)

B. Consequences for the peaceful uses of nuclear energy

Armed attacks on nuclear installations constitute a severe set-back for the peaceful development of nuclear energy since such attacks are directed against the inalienable right of sovereign States to develop nuclear energy for peaceful purposes. This conclusion has been reached through a number of opinions, studies and resolutions of international organizations. The following excerpts are of great relevance:

B-1 "... it is evident that an armed attack or the threat thereof on a peaceful nuclear installation could have serious consequences for the peaceful applications of atomic energy".

(Dr. Hans Blix, in a report to the General Conference - Annex 3 to GC(XXVIII)/719)

B-2 The General Assembly ... "Reaffirms its call for the continuation of the consideration, at the international level, of legal measures to prohibit armed attacks against nuclear facilities, and threats thereof, as a contribution to promoting and ensuring the safe development of nuclear energy for peaceful purposes".

(General Assembly resolution 38/9 of 1983)

B-3 "The Israeli attack, among its other consequences, seriously damages the very principles of peaceful nuclear co-operation among States within the framework of an international non-proliferation regime."

(Ambassador Jacques Leprette of France in the Security Council, June 1981)

B-4 "The incident could do great harm to the development of nuclear energy for peaceful purposes."

(Dr. Sigvard Eklund, speaking about the Israeli attack in June 1981)

B-5 "The Israeli aggression against Iraq's peaceful nuclear facility has jeopardized the hopes and expectations of all countries and their rights to the peaceful uses of nuclear energy. It is a threat to the Agency, its objectives and its responsibilities."

(Ambassador Osman of Egypt, speaking in the Board of Governors on 10 June 1981)

C. Consequences for the IAEA safeguards system

There is a worldwide consensus that the IAEA's safeguards are the internationally recognized means of verifying the peaceful operation of nuclear facilities. Therefore, any armed attack on safeguarded nuclear facilities is considered to be directed at undermining the IAEA and its safeguards system and also its credibility. This conclusion has been expressly reflected in several opinions, statements and international documents and resolutions. The following excerpts are illustrations:

C-1 "From a point of principle, one can only conclude that it is the Agency's safeguards system which has also been attacked. This, of course, is a matter of grave concern to the International Atomic Energy Agency and has to be pondered well."

(Dr. Sigvard Eklund, in a statement before the Security Council in June 1981)

C-2 "An armed attack could also result in serious impediments to the application of safeguards at the facility attacked or at other nuclear installations. It could lead to the impossibility of performing on-site inspections, owing either to high radiation levels or to structural damage limiting inspectors' access and creating hazards for inspectors."

(Report by Dr. Hans Blix, Annex 3 to
GC(XXXI)/719)

C-3 The Security Council ... "Further considers that the said [Israeli] attack constitutes a serious threat to the entire IAEA safeguards regime which is the foundation of the Non-proliferation Treaty".

(Security Council resolution 487 of 1981)

C-4 The General Conference ... "Considers that the Israeli act of aggression against the safeguarded Iraqi nuclear installations constitutes an attack against the Agency and its safeguards regime, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons".

(IAEA General Conference resolution
GC(XXV)/RES/381 of 1981)

C-5 The General Conference ... "Reaffirms that any attack on a peaceful nuclear facility subject to IAEA safeguards would constitute a serious threat to the safeguards system of the IAEA".

(IAEA General Conference resolution
GC(XXIX)/RES/443 of 1985)

C-6 "Israel has dealt a serious blow to the very principle of peaceful co-operation among States in the field of nuclear energy and has trampled upon the international system of nuclear safeguards."

(Ambassador Komatina of Yugoslavia in the Security Council, June 1981)

C-7 "Israel's attack on the Iraqi nuclear installation is, as stated by the Director General of the IAEA, an attack on the IAEA's safeguards regime and the credibility of that institution."

(Ambassador Fonseka of Sri Lanka in the Security Council, June 1981)

C-8 "The [Israeli] action entails ... contempt for the authority of the IAEA ... destruction of the reactor amounts to an attempt to restrain the struggle for development."

(Security Council President Ambassador Porfirio Munoz Ledo of Mexico, June 1981)

From careful consideration of these consequences it is apparent that the IAEA, by virtue of its statutory obligations, is the most competent organ to deal with all three above-mentioned aspects. They are of great importance and relevance in drafting any agreement prohibiting armed attacks against nuclear installations. The IAEA should carry out its statutory obligations in this regard. Our proposal to have the IAEA involved in this matter is very much supported by the IAEA's proven role in the aftermath of nuclear accidents whose consequences are similar to those emanating from armed attacks. The IAEA proved to be successful in drafting the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the case of a Nuclear Accident or Radiological Emergency.

Finally, it is our conviction that the IAEA can do likewise regarding the issue raised above, taking into account all relevant studies and proposals in drafting an agreement to be concluded by all States and concerned international organizations.

