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CONSEQUENCES OF THE ISRAELI MILITARY ATTACK ON THE IRAQI NUCLEAR
RESEARCH REACTOR AND THE STANDING THREAT TO REPEAT THIS ATTACK FOR:
(a) THE DEVELOPMENT OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES, AND
(b) THE ROLE AND ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY

Report by the Director General

1. In resolution GC(XXVII)/RES/409 the General Conference requested the
Director General:

in operative paragraph 4,

"to re-examine and report to the Board of Governors with
respect to Israel on the Agency's research contracts, purchase
of equipment and materials, and the holding of meetings outside
Agency Headquarters;"

in operative paragraph 9,

"to prepare a report on the consequences of an armed attack on
peaceful nuclear installations and the threats thereof on the
Agency safeguards system and the peaceful applications of
atomic energy; and to submit this report to the twenty-eighth
regular session of the General Conference;" and

in operative paragraph 10,

"to report to the twenty-eighth regular session of the General
Conference on the implementation of the present resolution."

2. This report is submitted pursuant to operative paragraph 10 of the resolution.

3. In accordance with operative paragraph 4 of the resolution, the Director General submitted a written report to the Board of Governors in June 1984. After discussion the Board took note of the report and decided to transmit it to the General Conference together with the summary records of the Board's discussion. The report and the summary records are in Annexes 1 and 2 respectively.

4. The report in Annex 3 has been prepared by the Director General in accordance with operative paragraph 9 of the resolution.

5. In addition, Annex 4 contains a letter dated 21 August 1984 to the Director General from the Resident Representative of Israel which is being circulated to the General Conference at his request (see document GC(XXVIII)/720) and which is relevant to this agenda item.

A N N E X 1

REPORT BY THE DIRECTOR GENERAL
PURSUANT TO A REQUEST MADE BY
THE GENERAL CONFERENCE IN RESOLUTION GC(XXVII)/RES/409

INTRODUCTION

1. In operative paragraph 3 of resolution GC(XXVII)/RES/409, adopted in October 1983, the General Conference decided "to withhold Agency research contracts to Israel, to discontinue the purchase of equipment and materials from Israel and to refrain from holding seminars, scientific and technical meetings in Israel" if, by the 1984 regular session of the General Conference, Israel has not withdrawn "its threat to attack and destroy nuclear facilities in Iraq and in other countries".
2. In operative paragraph 4 of resolution GC(XXVII)/RES/409, the General Conference requested the Director General "to re-examine and report to the Board of Governors with respect to Israel on the Agency's research contracts, purchase of equipment and materials and the holding of meetings outside Agency headquarters".
3. This report provides information on the three items mentioned in operative paragraph 4.

RESEARCH CONTRACTS

4. At the time of the 1983 regular session of the General Conference, four research contracts were in force between the Agency and institutes in Israel. They related to co-ordinated research programmes of which two are due to be completed around the end of 1984, one in 1986 and one in 1987.

5. During 1983 the expenditure on these contracts was approximately US \$10 000.

6. Since October 1983, after the customary examination of the technical and scientific merit of the proposals, three new research contracts, involving total expenditures of US \$24 700 in 1984, have been offered to scientific institutes in Israel. The attention of the institutes concerned was drawn to resolution GC(XXVII)/RES/409.

PURCHASE OF EQUIPMENT AND MATERIALS

7. Since 1981 there have been two purchases of goods (a Moessbauer spectrometer and a data acquisition system with supplementary equipment) from Israeli companies. The total value of these goods was about US\$ 40 000 and they were purchased within the framework of the Agency's technical co-operation programme. At the request of the end-user, who needed to ensure compatibility with existing equipment, the order was in each case placed with the company which had supplied the existing equipment.

8. Since October 1983 no procurement of goods from Israeli companies has been made with Agency funds.

MEETINGS HELD OUTSIDE AGENCY HEADQUARTERS

9. Most Agency meetings take place in Vienna; some of the meetings held outside Vienna are of a regional nature. Offers by Member States to host Agency meetings are accepted after appropriate arrangements have been agreed upon.

10. No meetings have been held in Israel for at least the past five years, and none are foreseen.

A N N E X 2

Summary record of discussion in the Board of Governors on 8 June 1984

CONSEQUENCES OF THE ISRAELI MILITARY ATTACK ON THE IRAQI NUCLEAR RESEARCH REACTOR AND THE STANDING THREAT TO REPEAT THIS ATTACK FOR: (a) THE DEVELOPMENT OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES, AND (b) THE ROLE AND ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY (GC(XXVII)/RES/409; GOV/INF/451)

66. The DIRECTOR GENERAL recalled that in operative paragraph 4 of resolution GC(XXVII)/RES/409 the General Conference had requested him to report to the Board "with respect to Israel on the Agency's research contracts, purchase of equipment and materials, and the holding of meetings outside Agency Headquarters". As he had promised in a statement to the Board in February, information on those items had been compiled and was before the Board in document GOV/INF/451.

67. He had also mentioned to the Board in February that he would be reporting to the General Conference, as requested in operative paragraph 9 of the same resolution, on "the consequences of an armed attack on peaceful nuclear installations and the threats thereof on the Agency safeguards system and the peaceful applications of atomic energy". The preparation of that report was well under way.

68. Mr. KENNEDY (United States of America) commended the letter contained in document GOV/INF/455 to the attention of all Member States, which he believed would welcome it. His delegation considered the letter to be a positive response to operative paragraph 3 of resolution GC(XXVII)/RES/409 and hoped that discussion of the matter would finally be concluded at the forthcoming session of the General Conference.

69. Mr. HADDAD (Syrian Arab Republic) said that the Israeli letter provided no new information with regard to Israel's threat to attack nuclear installations in Arab countries. The statement attached to the letter simply contained information on Israel's plans for nuclear power generation and a veiled warning to the Agency not to become an unprofessional or political body. Israel's attack on the Iraqi reactor, which had been under safeguards, clearly demonstrated the inaccuracy of the statement that Israel had no policy of attacking nuclear facilities.

70. Mr. AL-KITAL (Iraq) said that the Director General's report to the Board pursuant to a request made by the General Conference in operative paragraph 4 of resolution GC(XXVII)/RES/409 was the only document relevant to the Board's discussion of the present item. The reference made by the Governor from the United States to document GOV/INF/455 was therefore not in order. His delegation disagreed entirely with the views expressed by that Governor in relation to that document. It was his delegation's understanding that decisions on all matters relating to resolution GC(XXVII)/RES/409 - with the exception of the Director General's report pursuant to operative paragraph 4 of the same resolution - were the responsibility of the General Conference.

71. His delegation had insisted at the February session of the Board that the Agency should not offer new research contracts to Israel before the forthcoming session of the General Conference in September^{3/} and was consequently dismayed that three such contracts had in fact been offered to scientific institutes in Israel. Such action clearly contradicted resolution GC(XXVII)/RES/409 and also the United Nations General Assembly resolutions referred to in paragraph 40 of the Annual Report for 1983^{4/}. He urged that the offer of new research contracts be suspended until the General Conference had given its ruling in September.

72. Mr. GHEZAL (Tunisia) noted that the Director General's report contained in document GOV/INF/451 stated that since October 1983 no procurement of goods from Israeli companies had been made with Agency funds and that no meetings had been held in Israel for at least five years and none were foreseen. However, three new research contracts had been offered to scientific institutes in Israel since the adoption of resolution GC(XXVII)/RES/409. He would await with interest the report which the Director General would be submitting pursuant to operative paragraph 9 of that resolution to the General Conference, which would also examine whether or not Israel had complied with operative paragraph 2 of the resolution in question. His delegation believed that Israel's expansionist aggressive policy, which had already seriously damaged the Agency and its safeguards system, remained a

^{3/} See GOV/OR.618, para. 88.

^{4/} Document GOV/2157.

threat to the Agency's credibility and integrity. Israel should make amends for the damage caused; in addition, Iraq had the right to receive appropriate redress. Tunisia was concerned to see that, in defiance of resolutions adopted by the Agency's General Conference and the General Assembly of the United Nations, Israel continued to maintain substantial nuclear co-operation with South Africa for non-peaceful purposes and to refuse to place all its nuclear facilities under Agency safeguards.

73. Mr. ROSALES (Cuba) expressed his concern at the report presented in document GOV/INF/451. By resolution GC(XXVII)/RES/409 the General Conference had decided to withhold Agency research contracts from Israel if by the twenty-eighth session of the General Conference Israel had not withdrawn its threat to attack and destroy nuclear facilities in Iraq and in other countries. The assurances given so far were insufficient and Israel's behaviour continued to be increasingly aggressive. It was therefore difficult to understand why the Secretariat had offered three new research contracts to scientific institutes in Israel. Such a decision did not comply with the request made by the General Assembly in various resolutions urging the Agency to refrain from any action that would assist the nuclear development of Israel. It was not sufficient to draw the attention of the Israeli institutes concerned to resolution GC(XXVII)/RES/409. Israel should be made to comply with the resolutions adopted by the Agency and the United Nations and, until it had done so, the Secretariat should refrain from co-operating with Israel and take specific steps to ensure that operative paragraph 4 of resolution GC(XXVII)/RES/409 was observed.

74. Mr. SHASH (Egypt) noted with regret that three new research contracts had been offered to scientific institutes in Israel after the adoption by the General Conference of resolution GC(XXVII)/RES/409. In that resolution the Conference had requested the Director General not only to report on, but also to re-examine with respect to Israel, the Agency's research contracts, purchase of equipment and materials and the holding of meetings outside Agency headquarters. The offer of new research contracts was inconsistent with the spirit of the resolution in question.

75. He agreed with the Governor from Iraq that it was not appropriate to discuss document GOV/INF/455 under the present item of the agenda. However, it was to be hoped that it could serve as the beginning of a dialogue between Israel and the Agency leading to implementation of resolution GC(XXVII)/RES/409. It would be helpful to know whether the statement in document GOV/INF/455 constituted a change in Israel's policies since 1981 and whether the statement applied to all nuclear installations under Agency safeguards.

76. Mr. KELSO (Australia) noted with appreciation the report of the Director General in document GOV/INF/451. The statement by the Israeli Prime Minister and the letter from the Director General of the Israel Atomic Energy Commission constituted an important positive development which responded to the concerns of Member States expressed in resolution GC(XXVII)/RES/409; they should be acknowledged by the Board and Member States. It ought to be possible for the Agency to set the matter aside at the 1984 session of the General Conference. His delegation did not share other speakers' critical attitude to the offer of new research contracts to Israeli scientific institutes; it believed that the Director General and the Secretariat had acted correctly, in accordance with the Statute and with resolution GC(XXVII)/RES/409, which did not impair Israel's rights and privileges of membership during the period between the twenty-seventh and twenty-eighth sessions of the General Conference. Israel and all other countries with unsafeguarded nuclear facilities should agree to place all such facilities under international safeguards and to accept NPT and its obligations.

77. Mr. AL-KITAL (Iraq) asked the Chairman whether document GOV/INF/455 was under discussion at all.

78. The CHAIRMAN replied that item 13 had been placed on the agenda to enable the Director General to make a report pursuant to operative paragraph 4 of resolution GC(XXVII)/RES/409.

79. The representative of the Islamic Republic of Iran had asked for permission to address the Board. If Governors had no objection, he proposed to ask the representative of the Islamic Republic of Iran to take the floor.

80. Mr. SOLTANIEH (Islamic Republic of Iran) stressed that his country had always condemned any threat against peaceful nuclear facilities. The fourth paragraph of the letter from the Director General of the Israel Atomic Energy Commission (document GOV/INF/455) did not specify when the other statements mentioned had been made and contained no reference to resolution GC(XXVII)/RES/409; it was therefore of no value with regard to operative paragraph 2 of that resolution. The Israeli military attack on the Iraqi nuclear research reactor contradicted the Israeli claim to have "no policy of attacking nuclear facilities". If one Member State was able to attack a nuclear facility of another Member State without losing its privileges and rights of membership, there was no guarantee that any other Member State would not act in a similar manner.

81. At the twenty-seventh regular session of the General Conference his country had put forward a proposal to amend Article XIX.B of the Agency's Statute so that the word "persistently" need not be applied to actions such as military attacks on nuclear installations. If the consequence of a military attack on a nuclear installation was simply that the Member State was called upon to withdraw its threat of further attacks, then the Agency's credibility was seriously jeopardized.

82. The discussion so far had focused on resolution GC(XXVII)/RES/409, but his delegation believed it equally important that General Conference resolution GC(XXVII)/RES/407 should be fully implemented.

83. In view of the recent disregard of the Islamic Republic of Iran's request to place on the agenda an item concerning the military attack on the Bushehr nuclear power plant, his Government held the Board of Governors fully responsible for the consequences of any such attack for the Agency and for the development of nuclear energy for peaceful purposes.

84. Mr. AL-KITAL (Iraq) regretted that the Chairman's ruling that the subject of discussion was the Director General's report had been disregarded. He asked the Board to ignore the allegations made by the representative of the Islamic Republic of Iran, whose remarks had been out of order for that reason. With reference to the letter from the Director General of the Israel Atomic Energy Commission (document GOV/INF/455), he recalled that the attack on the Iraqi nuclear research reactor had been announced by an Israeli Government spokesman and not by Iraq and that Israel had stated its intention

to attack the reactor again if it were rebuilt in Iraq or in any other Arab country. Any statement withdrawing that threat should come from the same source. In the letter Israel reserved for itself the right to judge what was peaceful and what was not. No mention was made there of the Agency's safeguards. Although it was not true to say that the only peaceful installations were those under Agency safeguards, it was true that all nuclear installations under Agency safeguards were for peaceful purposes. Neither Israel nor any other country had the right to judge unilaterally what was peaceful. Israel might never have claimed to have a policy of attacking nuclear installations, but it had attacked the Iraqi nuclear research reactor, so it was meaningless for Israel to claim not to have such a policy. It was surprising that some Member States believed that note should be taken of the letter contained in document GOV/INF/455 and that it should be regarded as a positive development. As recently as August 1983, the Israeli Minister for Science Development was reported to have said that:

"As long as there is no agreement turning the Middle East into a nuclear free zone, Israel is compelled to disrupt any Arab project when it becomes clear beyond doubt that the intention is to produce nuclear weapons,"

and to have added that:

"Israel has succeeded in disrupting several such programmes during the past 20 years and we believe it is possible to prevent the entry of nuclear arms into the Middle East in the future."

Such statements demonstrated that Israel was still insisting on the right to destroy nuclear reactors whenever it held them to be dangerous, without reference to the Agency, safeguards, international law or relevant treaties.

85. Mr. KHAN (Pakistan) recalled that his delegation had expressed its views on the subject of the Israeli attack on the Iraqi nuclear research reactor at the General Conference and at previous meetings of the Board. Present discussion of the subject should be confined to the terms of resolution GC(XXVII)/RES/409 and to the action requested of the Director General in that resolution. He regretted to note that three new research contracts had been offered to Israel since the adoption of resolution GC(XXVII)/RES/409 and awaited with interest the Director General's report to the General Conference pursuant to operative paragraph 9 of that resolution.

86. Mr. OKEKE (Nigeria) expressed his appreciation of the Director General's attempts to persuade the Israeli Government to comply with General Conference resolution GC(XXVII)/RES/409. His delegation supported the view expressed by the Governors from Iraq, Cuba and Egypt that the declaration made by Israel in document GOV/INF/455 was not sufficient. The Secretariat should increase its efforts to ensure that Israel complied with resolution GC(XXVII)/RES/409.

87. The CHAIRMAN recalled that the document under discussion was document GOV/INF/451.

88. Mr. LOOSCH (Federal Republic of Germany) agreed that the purpose of the agenda item was to discuss the Director General's report contained in document GOV/INF/451. Regarding paragraph 6 of that report he fully shared the views expressed by the Governor from Australia. Since a representative of a State attending the Board's meeting as an observer had commented at length upon document GOV/INF/455, however, he felt justified in noting that the contents of that document were a positive development.

89. Mr. PEŠIĆ (Yugoslavia) approved of document GOV/INF/451 being submitted to the General Conference at its twenty-eighth session.

90. Mr. SULLIVAN (Canada) thanked the Director General for his report contained in document GOV/INF/451 and concurred with the Governor from the Federal Republic of Germany in welcoming the positive nature of document GOV/INF/455.

91. Mr. RUGGIERO (Italy) congratulated the Director General and the Secretariat on the report which had been submitted in document GOV/INF/451 in response to operative paragraph 4 of resolution GC(XXVII)/RES/409 and which was the subject being considered under the present agenda item. As to the action outlined in paragraph 6 of document GOV/INF/451, he did not believe that it conflicted with operative paragraph 4 of that resolution with regard to comments made by some Governors on document GOV/INF/455, he considered that the contents of that document indicated a positive development.

92. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that his Government's position was well known and did not need to be repeated. He hoped the Director General would continue to take measures to ensure the implementation of General Conference resolution GC(XXVII)/RES/409 and was not

opposed to the Director General's report contained in document GOV/INF/451 being presented to the General Conference. He would refrain from voicing his negative comments on the contents of document GOV/INF/455 until it was discussed by the General Conference.

93. Mr. OUVRIEU (France) thanked the Director General for his statement and report. His Government's position on the matter under discussion had not changed. However, anything which could help to ease tension was welcome. The statements made by the Israeli Prime Minister and the letter sent by the Director General of the Israel Atomic Energy Commission were gestures of goodwill and would appear to go some way towards responding to the concerns of the sponsors of resolution GC(XXVII)/RES/409.

94. Mr. BRADY ROCHE (Chile) supported the view, expressed by the Governors from the United States, the Federal Republic of Germany and Canada, that the declaration made by the Israeli Prime Minister was an important step towards meeting the General Conference's demand that a peaceful nuclear facility should not be the object of an armed attack.

95. Mr. ERNEMANN (Belgium) pointed out that in operative paragraph 4 of resolution GC(XXVII)/RES/409 the General Conference had only requested the Director General to re-examine research contracts and equipment purchases with regard to Israel and to report to the Board. It had not called on the Board to take any action.

96. By submitting his report in document GOV/INF/451 the Director General had acted in accordance with resolution GC(XXVII)/RES/409, and the Board should thank him for having done so. The Belgian delegation would have preferred it if the Board's deliberations under the present item had been confined to taking note of the Director General's report, rather than going off the track and degenerating in the way it had, but some Board Members had wanted to take matters further.

97. Each Member of the Board was free to make its own assessment of the Secretariat's actions as reflected in the Director General's report. At all events, however, the Secretariat had acted strictly within its competence.

98. A number of Governors had chosen to comment on the letter from the Director General of the Israel Atomic Energy Commission reproduced in document GOV/INF/455. It was easy to quibble, and the letter - especially its penultimate paragraph - was open to interpretation. However, when would anything emanating from Israel be considered satisfactory by all the Board Members who had criticized the letter at the current meeting?

99. It would be for the General Conference to decide whether the letter satisfactorily responded to resolution GC(XXVII)/RES/409. However, it was in order to consider already whether Israel could have stated anything else; what country could say more than was stated in the letter? His own country could not say more - and Belgium was certainly a peaceable, perhaps even a pacifist, country. One could not, on one hand, call on Israel to withdraw its threat and, on the other, impugn - sometimes even beforehand - all declarations made by Israel.

100. The important thing was the double gesture which Israel had made and which he believed should be regarded as a response to resolution GC(XXVII)/RES/409 - an undertaking not to carry out any further attacks on civilian nuclear facilities, especially if the latter were under Agency safeguards, and not to jeopardize the credibility of the Agency's safeguards.

101. In his delegation's view, Israel had responded to the General Conference's call to withdraw its threat to attack and destroy nuclear facilities in Iraq and in other countries. Accordingly, he felt that the Board's deliberations could be concluded and hoped that, with the Agency's Member States displaying wisdom, the Conference's deliberations concerning the same matter would be concluded in September.

102. Mr. MIYAZAWA (Japan) supported the remark made by the Governor from the Federal Republic of Germany regarding the subject of discussion under agenda item 13. He recalled the importance attached by his country to prohibiting, through an international agreement, attacks on peaceful nuclear facilities. Japan noted with great interest the letter from the Director General of the Israel Atomic Energy Commission contained in document GOV/INF/455. It was very important to further the cause of non-proliferation and Israel and other countries which had not yet done so should be urged to accept NPT as soon as possible.

103. Mr. SIAZON (Philippines) thanked the Director General for preparing the report contained in document GOV/INF/451 and added, with reference to paragraph 4, that the report would have been even more useful had it also listed the topics to which the research contracts in question related. In view of the conditional nature of operative paragraph 3 of resolution GC(XXVII)/RES/409, he trusted that the Director General would in due course suggest a time and place for deciding what action was required in response to operative paragraph 2 of the resolution.

104. Regarding document GOV/INF/455, his delegation was still considering its official position.

105. Mr. MENON (India) expressed his support for the views expressed by the Governors from the Syrian Arab Republic, Iraq, Egypt, Tunisia and Pakistan. Under the present agenda item the Board should be examining the consequences of military attacks rather than deciding whether a particular letter represented a positive or negative development.

106. Mr. CARREIRA PICH (Portugal) associated himself with those Governors who had expressed their conviction that the statement presented by the Israeli authorities was an important and valuable step in the right direction.

107. His delegation was confident that the Director General would continue to act wisely regarding the present difficult matter and was prepared to give him its full support.

108. Mr. HENDERSON (United Kingdom) agreed with the remarks of the Governor from Australia to the effect that the Secretariat was fully competent to take the action described in paragraph 6 of document GOV/INF/451. The General Conference was the proper forum for a decision on document GOV/INF/455, but he agreed with those who felt that the document reflected a positive development and he supported the views expressed by the Governor from Belgium in particular.

109. Mr. KOCH (Denmark) felt that the Director General's report represented a positive step towards finding an adequate response to resolution GC(XXVII)/RES/409. He found the Director General's report in document GOV/INF/451 highly informative. The Israeli statement contained in document

GOV/INF/455 should be regarded as a positive development, but further discussion of the matter should be postponed until the General Conference's forthcoming regular session.

110. Mr. BELTRAMINO (Argentina) said that his delegation had already expressed its support for resolution GC(XXVII)/RES/409 and did not need to elaborate on its well-known position regarding armed attacks on civilian nuclear facilities. While the letter received from the Israeli authorities was not totally satisfactory, it should nonetheless be taken into account when assessing the degree to which Israel had fulfilled its obligations with respect to the resolution in question, and, in particular, operative paragraph 2 thereof. Further efforts should be made to persuade Israel to fulfil those obligations. Finally, he felt that the General Conference would be the most appropriate forum for a wide-ranging debate on the matter.

111. The DIRECTOR GENERAL said he felt that he should clarify a point relating to the offer of research contracts to Israel.

112. Under the previous agenda item he had stated that, while the Secretariat would carry out fully all directives given to it by the Policy-making Organs, it could not of its own accord impose sanctions on a Member State. The rights of Member States had to be respected by the Secretariat to the extent that they had not been explicitly denied by one of the Policy-making Organs.

113. The General Conference had in 1981 decided that technical assistance should not be granted to Israel, and accordingly technical assistance had been withheld from Israel since that time. Research contracts were not in the nature of technical assistance and had therefore continued to be offered. At the present meeting, the question had arisen whether the Secretariat should have offered research contracts to Israel after the adoption of General Conference resolution GC(XXVII)/RES/409. There had been reference to the General Assembly resolution in which the Agency had been requested "to suspend any scientific co-operation with Israel which could contribute to Israel's nuclear capabilities". Under the relationship agreement between the United

Nations and the Agency, the Agency was obliged to consider any resolution relating to it adopted by the General Assembly, but he did not think that the Agency was obliged automatically to impose a sanction which had been requested in general form by the General Assembly; something much more specific was required.

114. He had been present during the drafting of operative paragraph 3 of General Conference resolution GC(XXVII)/RES/409, and there had been no doubt in his mind that the intention was not to deprive Israel of research contracts forthwith but to create leverage designed to induce Israel to make the declaration desired by the General Conference. Hence, he had taken the resolution to mean that the Secretariat should not impose any sanctions before the 1984 session of the Conference, and the Secretariat had therefore followed the normal practice, offering the three research contracts in question upon the unanimous recommendation of the Secretariat committee which was competent in such matters. However, as stated in document GOV/INF/451, the attention of the Israeli institutes concerned had been drawn to resolution GC(XXVII)/RES/409.

115. With regard to a comment made by the Governor from Egypt concerning the word "re-examine" in operative paragraph 4 of resolution GC(XXVII)/RES/409, he did not think that the word in question could be interpreted by the Secretariat as an instruction to apply a sanction. During the drafting of paragraph 4 he had stated that in his opinion the word "re-examine" was somewhat confusing and that he would take it to mean "examine".

116. He felt that, if a Policy-making Organ wished sanctions to be applied, it should give the Secretariat very precise directives.

117. The CHAIRMAN said he assumed that the Board wished to take note of the Director General's report in document GOV/INF/451 and of his introductory oral statement and to transmit the report in document GOV/INF/451 to the General Conference for its information together with the summary records of the Board's discussion.

118. It was so decided.

ANNEX 3

CONSEQUENCES OF AN ARMED ATTACK ON PEACEFUL NUCLEAR
INSTALLATIONS AND THE THREATS THEREOF FOR THE AGENCY'S
SAFEGUARDS SYSTEM AND THE PEACEFUL APPLICATIONS OF
ATOMIC ENERGY

Report by the Director General

Introduction

1. By resolution GC(XXVII)/RES/409 the General Conference requested the Director General "to prepare a report on the consequences of an armed attack on peaceful nuclear installations and the threats thereof on the Agency safeguards system and the peaceful applications of atomic energy" and to submit this report to the twenty-eighth regular session of the General Conference.^{1/}

2. The question of armed attacks on peaceful nuclear installations has been discussed in recent years in various international fora, including the General Conference in 1983.^{2/} It should be recalled that Article 56 of Protocol I Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts^{3/}, provides that nuclear electrical generating stations shall not be made the object of attack if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population. The prohibition of armed attacks against nuclear facilities

^{1/} For the related discussion see GC(XXVII)/OR.256, paras 62 to 96.

^{2/} See General Conference resolution GC(XXVII)/RES/407, "Protection of Nuclear Installations Devoted to Peaceful Purposes Against Armed Attacks", and the related discussion (GC(XXVII)/OR.256, paras 18 to 39).

^{3/} As of 15 May 1984, 62 States had signed the Protocol and 40 States had ratified it.

remains under consideration in the Conference on Disarmament (formerly the Committee on Disarmament) within the framework of discussions relating to a Radiological Weapons Treaty.^{4/} Also, the study on the consequences of the Israeli armed attack against the Iraqi nuclear installations devoted to peaceful purposes prepared in July 1983 by a group of experts appointed by the Secretary-General of the United Nations^{5/} points to a number of general considerations of armed attacks against peaceful nuclear installations. The discussions in the Agency's policy-making organs of the implications for the Agency's safeguards system of the attack by Israel against the Iraqi nuclear research centre also touched upon general aspects of the question.^{6/}

3. Before an examination of the consequences for the Agency's safeguards system and for the peaceful applications of nuclear energy which attacks and the threat of attacks on peaceful nuclear installations could have, it would seem useful to examine briefly what the direct effects of such attacks might be, because the fear of such attacks and of their potential direct effects may influence attitudes to the peaceful uses of nuclear energy. Therefore, the present report reviews in broad terms possible direct effects of an armed attack on peaceful nuclear installations and then discusses the possible consequences for the Agency's safeguards system and the peaceful uses of nuclear energy.

^{4/} The report by Group B established by the Ad hoc Working Group on Radiological Weapons to consider "the question of prohibition of attacks against nuclear facilities" (document CD/421 of 1 September 1983, Annex II) discusses some aspects of this question; it also contains a list of relevant proposals made in the Committee on Disarmament. In August 1984 Sweden submitted to the Conference on Disarmament a working paper entitled "Proposals for parts of a Treaty Prohibiting Radiological Weapons and the Release or Dissemination of Radioactive Material for Hostile Purposes" (CD/530).

^{5/} UN document A 38/337.

^{6/} See, for example, the discussions in the Board in June 1981 (GOV/OR.563-567).

Direct effects of an armed attack on peaceful nuclear installations

4. Although some possible direct effects of armed attacks on peaceful nuclear installations have been discussed in scientific articles, the Secretariat is not aware of any comprehensive technical study of the matter. A number of general studies exist, however, on the radiological risks from hypothetical accidents in power reactors - for example, the United States Reactor Safety Study "Wash-1400"^{7/} and the risk study issued by the Federal Ministry of Research and Technology of the Federal Republic of Germany in 1979. These studies deal with specific accident scenarios. As the United Nations study referred to in paragraph 2 above pointed out, the situation in the event of an armed attack is not generally comparable to that in the event of a reactor accident, although, under certain circumstances, armed attacks might produce health consequences similar to those which have been assumed for accident scenarios.

5. Armed attacks on peaceful nuclear installations could have very different motives and consequences and could be performed with very different means. They could range from limited attacks with simple explosives by political groups to full-scale war action. The results of such attacks could be negligible, but attacks on certain categories of peaceful nuclear facilities could result in serious radiological harm to persons and contamination of the biosphere. Facilities posing special risks in the event of attacks are those containing large amounts of radioactive materials - for example, reactors containing irradiated fuel, reprocessing plants for spent fuel, spent fuel storage installations, waste repositories and fabrication plants for fuel containing plutonium. In order to arrive at a meaningful quantitative estimate of health consequences, specific assumptions would have to be made - such as type

^{7/} USAEC, Reactor Safety Study: An Assessment of Accident Risks in US Commercial Nuclear Power Plants (1974).

and lay-out of the plant and its radioactive inventory, geographical location, climatic and environmental conditions and population distribution. Also, the purpose and means of the attack could be decisive factors - in particular, whether the aim of the attack was to prevent a plant from coming into operation or put an existing plant out of operation or also deliberately to cause radiological damage.

6. An attack could, under adverse circumstances, have very severe health and environmental consequences. It is the possibility of large-scale radiological damage that has led to the consideration of this topic within the framework of the Radiological Weapons Treaty by the Conference on Disarmament and to the coverage of nuclear electrical generating stations by Article 56 of Protocol I Additional to the 1949 Geneva Conventions of 12 August 1949.

7. Nuclear energy is a capital-intensive technology and nuclear plants represent a large investment.^{8/} An attack could damage or destroy the nuclear installation and associated facilities, and the economic consequences could thus be very substantial.^{9/} In addition, if the environment were to become contaminated, this could have grave economic and ecological consequences. Furthermore, interruption of the electricity supply from a nuclear power plant could have severe economic effects.

^{8/} Construction costs for a nuclear power plant range from US\$ 1 million to US\$ 3 million per MW(e).

^{9/} For example, the United Nations study mentions direct losses of several hundred millions of dollars as a result of the destruction of the Iraqi Tammuz-1 research reactor and the damage to the Tuwaitha Nuclear Research Centre.

Consequences of attacks and threats thereof for the Agency's safeguards system

8. In broad terms, the application of Agency safeguards involves the verification by an independent institutionalized system that international commitments to the peaceful use of nuclear installations and nuclear material are being honoured. Safeguards are thus designed to create international confidence that a State's nuclear programme or individual nuclear installations subject to safeguards are devoted to peaceful purposes and that nuclear material is not diverted therefrom. This combination of international commitments by States and their verification by the Agency through its safeguards has been one of the basic premises for international nuclear trade and co-operation and constitutes an indispensable element of international efforts to prevent the further spread of nuclear weapons.

9. The possible consequences of an armed attack for the Agency's safeguards system would depend in large measure on the motive and nature of the attack. For example, acts of armed sabotage against a nuclear installation might be completely unrelated to the Agency's safeguards system. However, some attacks could have effects on and constitute a potential threat to the Agency's safeguards system. This question was discussed within the Agency after the Israeli military attack on the Iraqi nuclear installations near Baghdad.^{10/} The Agency's Board of Governors, in its resolution of 12 June 1981, stated that this military action had shown "clear disregard for the Agency's safeguards regime and the Non-Proliferation Treaty and could do great harm to the development of nuclear energy for peaceful purposes" and reaffirmed "its confidence

^{10/} See GOV/OR.563-567, GOV/OR.571, GC(XXV)/INF/196/Rev.1, GC(XXV)/OR.229-237, GC(XXV)/653/Rev.2.

in the effectiveness of the Agency's safeguards system as a reliable means of verifying peaceful use of a nuclear facility".^{11/} Security Council resolution 487 (1981) termed the attack "a serious threat to the entire IAEA safeguards regime which is the foundation of the NPT". The United Nations study considered that the armed attack constituted challenges to the NPT, to the Agency and to the international safeguards system and that condoning such challenges could do grave damage to these international institutions and to international co-operation.

10. As noted above, an armed attack on a nuclear installation could certainly be caused by motives other than lack of confidence in the peaceful nature of the installation in question. However, in certain circumstances an armed attack or a threat thereof could be seen as lack of confidence in the effectiveness of Agency safeguards and in the verification conclusions provided by these safeguards. The determination by a State or a political group that a particular nuclear installation was not serving peaceful purposes would be substituted for the conclusions of institutions set up by the international community. Armed force would be applied regardless of whether the Agency, on the basis of impartial technical verification, had established that safeguards commitments had been honoured.

11. 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.

^{11/} GOV/2040.

Consequences of attacks and threats thereof for the peaceful uses of atomic energy

12. For many States nuclear energy is indispensable. Peaceful uses of nuclear energy, encompassing a very broad range of scientific, technological and industrial fields, may also have a strong promotional influence on a State's general development. The potentially grave environmental, health and economic consequences of an armed attack could deter States and industry from embarking on or continuing a nuclear power programme. So far the possibility of armed attacks does not appear to have had a deterrent effect, but an actual attack or the threat of one could have such an effect.

13. For countries with nuclear energy programmes, the security of their nuclear installations is naturally a matter of great importance. National and international safety standards are aimed at the protection of human beings against the potential harmful effects of nuclear installations due to natural and man-made causes. Although these standards do not generally take into account possible effects of armed attacks on nuclear installations, certain safety features of nuclear installations, such as containment, may afford protection in such situations. However, while new plants might incorporate additional safety features, this would not diminish the vulnerability of existing installations. It should also be borne in mind that certain categories of facilities do not normally incorporate the same containment or structural protection as power reactors. The subject of the protection of peaceful nuclear installations is under continuing consideration in the Conference on Disarmament, and Protocol I Additional to the Geneva Conventions of 12 August 1949 already provides for the protection of nuclear electrical generating stations under certain conditions .

14. The safe operation of nuclear installations has been considered of primary importance since the inception of peaceful nuclear programmes. There have been great national and international efforts, including work by the Agency, aimed at ensuring that nuclear energy is a safe and environmentally acceptable source of energy and is perceived as such. These efforts could suffer serious set-backs if significant radiological damage occurred owing to an armed attack or was feared as a result of such an attack.

Conclusion

15. From the above 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, for international nuclear collaboration and for Agency safeguards. International action to ensure the security of peaceful nuclear installations would be of great value. Such action should include further ratifications of Protocol I Additional to the Geneva Conventions of 12 August 1949 and the extension of the protection enjoyed at present under the Protocol by nuclear electrical generating stations to all peaceful installations holding significant quantities of radioactive material.

A N N E X 4

LETTER TO THE DIRECTOR GENERAL FROM
THE RESIDENT REPRESENTATIVE
OF ISRAEL

'Sir,

'I have the honour to refer to the provisional agenda for the twenty-eighth (1984) regular session of the General Conference (document GC(XXVIII)/711), which includes item 10 pursuant to resolution GC(XXVII)/RES/409.

'With regard to resolution GC(XXVII)/RES/409, the policy of the Government of Israel was spelled out in statements made by the Prime Minister of Israel in a public address on 2 May 1984 and in the letter of 21 May 1984 addressed by the Director General of the Israel Atomic Energy Commission to the Director General of the IAEA, both of which were reproduced in document GOV/INF/455 of 29 May 1984. For your convenience, the texts of the statement and the letter are reproduced below:

Text of a statement by the Prime Minister of Israel in a
public address on 2 May 1984

"It is well known that many countries in the world have entered the nuclear age and have begun to acquire and build nuclear facilities for peaceful purposes in order to supply the energy essential for their economies and development. Israel, lacking in natural resources and sources of energy, has likewise an interest in building power reactors in order to satisfy her energy needs.

"It is imperative to continue to uphold and strengthen the regime of conventions and treaties which set the standards of international behaviour in these essential areas.

"Concerning the use of nuclear energy for peaceful purposes, Israel supports those international arrangements which would ensure the status and inviolability of nuclear facilities dedicated to peaceful purposes. Moreover, Israel views positively the activities of international

organizations and agencies that were established by the international community for these purposes. Let me mention here in particular the IAEA, which was created as a professional and non-political body, and which can do much to promote the use of nuclear energy for peaceful purposes, while it remains faithful to its mission and statutes as set down by its founding fathers."

Letter from the Director General of the
Israel Atomic Energy Commission

"In a public address on 2 May 1984, Prime Minister Shamir made a statement on Israel's policy regarding nuclear matters. This statement was brought to your attention by Israel's Permanent Representative, Mr. S. Katz. May I take this opportunity to elaborate further in pursuance thereof.

"Israel is aware of the substantial contribution which the peaceful uses of nuclear energy can have to the well-being of the world and the rights of all countries to benefit from such uses. Indeed, for its part, Israel seeks to avail itself of nuclear energy in order to satisfy its own energy requirements.

"In the light of the above, Israel holds that nuclear facilities dedicated to peaceful purposes be inviolable from military attack. Also, Israel supports international efforts to arrive at an early arrangement directed to this purpose of regulating the status of nuclear facilities and the mission of the IAEA in ensuring that nuclear energy be a credible and safe source of peaceful development.

"As Israel has already stated, it has no policy of attacking nuclear facilities and certainly has no intention of attacking nuclear facilities dedicated to peaceful purposes anywhere.

"I would be obliged if you would bring this letter to the attention of the Board of Governors."

'I have the honour to request that this letter be circulated as a document of the General Conference.'

(signed) S. Katz
Resident Representative of
Israel to the IAEA