

- ³⁴ S/1 5502/Add. 1, *ibid.*
- ³⁵ 2405th mtg., para. 1. See also chap. 111 of the present *Supplement*.
- ⁴⁰ 2405th mtg., para. 2.
- ⁴¹ S/1 5523, adopted without change as resolution 526 (1982).
- ⁴² 2405th mtg., para. 4.
- ⁴³ *Ibid.*, paras. 12-14.
- ⁴⁴ *Ibid.*, paras. 47-57.
- ⁴⁵ *Ibid.*, paras. 63-104.
- ⁴⁶ *Ibid.*, paras. 107-128.
- ⁴⁷ S/1 581 2 and Corr. 1, OR, 38th yr., Suppl. for April-June 1983.
- ⁴⁸ S/1 5812/Add. 1, *ibid.*
- ⁴⁹ 2453rd mtg. See also chap. III of the present *Supplement*.
- ⁵⁰ 2453rd mtg.
- ⁵¹ S/1 5828, adopted without change as resolution 534 (1983).
- ⁵² 2454th mtg.
- ⁵³ S/1 6147, OR, 38th yr., Suppl. for Oct.-Dec. 1983.
- ⁵⁴ S/1 6150, *ibid.*
- ⁵⁵ S/1 6151, *ibid.*
- ⁵⁶ For details, see chap. III of the present *Supplement*.
- ⁵⁷ 2498th mtg.
- ⁵⁸ 2497th mtg.
- ⁵⁹ 2498th mtg. Similar views were expressed by a number of other delegations. See 2498th mtg.: India, Seychelles, Australia, Algeria and Canada; 2499th mtg.: USSR, Sri Lanka, Cuba, Yugoslavia and Netherlands; and 2500th mtg.: Guyana, Zimbabwe, Poland, Democratic Yemen and France.
- ⁶⁰ S/1 6149, adopted without change as resolution 541 (1983).
- ⁶¹ 2499th mtg.
- ⁶² 2500th mtg.
- ⁶³ S/1 6149, adopted as resolution 541 (1983).
- ⁶⁴ S/1 6192, OR, 38th yr., Suppl. for Oct.-Dec. 1983.
- ⁶⁵ S/1 6192/Add. 1, *ibid.*
- ⁶⁶ 2503rd mtg. See also chap. III of the present *Supplement*.
- ⁶⁷ 2503rd mtg.
- ⁶⁸ S/1 6217, adopted without change as resolution 544 (1983).
- ⁶⁹ S/1 6519, OR, 39th yr., Suppl. for April-June 1984.
- ⁷⁰ S/1 6514, *ibid.*
- ⁷¹ For details, see chap. III of the present *Supplement*.
- ⁷² 2531st mtg.
- ⁷³ 2532nd mtg.
- ⁷⁴ 2534th mtg.
- ⁷⁵ 2535th mtg.
- ⁷⁶ 2538th mtg.
- ⁷⁷ S/1 6550, adopted without change as resolution 550 (1983).
- ⁷⁸ 2539th mtg.
- ⁷⁹ S/1 6596 and Corr. 1 and 2, OR, 39th yr., Suppl. for April-June 1984.
- ⁸⁰ S/1 6596/Add. 1, *ibid.* An additional addendum was submitted on the same date (S/1 6596/Add. 2, *ibid.*).
- ⁸¹ 2547th mtg. See also chap. III of the present *Supplement*.
- ⁸² 2547th mtg.
- ⁸³ S/1 6622, adopted without change as resolution 553 (1984).
- ⁸⁴ S/1 6858, OR, 39th yr., Suppl. for Oct.-Dec. 1984.
- ⁸⁵ S/1 6858/Add. 1, *ibid.* An additional addendum was submitted on 2 February 1985 relating to the latest developments in the Secretary-General's mission of good offices (S/1 6858/Add. 2, OR, 40th yr., Suppl. for Jan.-Mar. 1985).
- ⁸⁶ 2565th mtg. See also chap. III of the present *Supplement*.
- ⁸⁷ 2565th mtg.
- ⁸⁸ S/1 6862, adopted without change as resolution 559 (1984).

5. COMPLAINT BY IRAQ

INITIAL PROCEEDINGS

Decision of 19 June 1981 (2288th meeting): resolution 487 (1981)

By a letter dated 8 June 1981,¹ the representative of Iraq transmitted the text of a letter from the

Minister for Foreign Affairs of Iraq, requesting the convening of an immediate meeting of the Council to deal with an act of aggression by Israel against Iraq with far-reaching consequences for international peace and security. He reported that on Sunday, 7 June 1981, at 1837 hours, Israeli war-planes had raided Baghdad and that their objective had been to destroy the Iraqi nuclear reactor installations. The Foreign Minister also drew attention to the fact that whereas Iraq, the victim of the attack, was a party to the Treaty on the Non-Proliferation of Nuclear Weapons, Israel had consistently refused to sign and ratify the Treaty. He concluded that the international community could not remain silent regarding the serious escalation of aggression, which Israel had already admitted.

In a letter dated 8 June 1981,² the representative of Israel drew attention to his Government's announcement that on 7 June the Israel Air Force had launched a raid on the atomic reactor Osirak, near Baghdad, and had destroyed the reactor, which reportedly had been designed to produce atomic bombs to be used against Israel.

At its 2280th meeting, on 12 June 1981, the Council included the letter dated 8 June 1981 from the representative of Iraq in its agenda. **Following the adoption of the agenda, the following were invited**, at their request, to **participate** without vote in the discussion of the item: at the 2280th meeting, the representatives of Algeria, Brazil, Cuba, India, Iraq, Israel, Jordan, Kuwait, Lebanon, Pakistan, Romania, the Sudan, Turkey and Yugoslavia; at the 2281st meeting, the representatives of Bulgaria, **Guyana**, Somalia, Viet Nam and Zambia; at the 2282nd meeting, the representatives of Bangladesh, Czechoslovakia, Egypt, Hungary, Mongolia, Sierra Leone and the Syrian Arab Republic; at the 2283rd meeting, the representatives of Indonesia, Italy, Morocco, Poland and Yemen; at the 2284th meeting, the representatives of Nicaragua and Sri Lanka; at the 2285th meeting, the representative of Malaysia; and at the 2288th meeting, the representative of the Libyan Arab **Jamahiriya**.³

At the 2280th meeting, the Council also decided, **following a short discussion**⁴ and a **vote**,⁵ in accordance with the Council's usual practice, to invite the representative of the Palestine Liberation Organization (PLO) to participate in the debate.

At the same meeting, the Council also decided to extend an invitation to Mr. Chedli Klibi under rule 39 of the provisional rules of **procedure**.⁶ A similar invitation was extended, at the 2284th meeting, to Mr. Sigvard Eklund, Director-General of the **International Atomic Energy Agency (IAEA)**,⁷ and, at the 2286th meeting, to Mr. Clovis **Maksoud**.⁸

The Council considered the item at its 2280th to 2288th meetings, from 12 to 19 June 1981.

At the 2280th meeting, the **Foreign Minister of Iraq** offered a detailed description of the Israeli air raid against the Iraqi nuclear installations near Baghdad and of the circumstances surrounding that act of **aggression**. He charged that Israel had persistently **striven** to obtain a nuclear military capacity and that with the support of the United States and through occasionally questionable operations it had managed to produce several nuclear bombs of at least the strength of the bombs dropped on Hiroshima. He also pointed out that while the Iraqi Government had faithfully adhered to the Treaty on the **Non-Prolifera-**

tion of Nuclear Weapons and had complied with its provisions as well as with the safeguards as administered by IAEA, Israel had refused to accede to the Treaty and the international control of atomic energy. He described the programme undertaken by his Government with regard to the development of peaceful uses of atomic energy, a right of every State, and castigated the constant attempts of the Israeli Government to disrupt and undermine those legitimate activities. He further reviewed the position taken by the General Assembly at several sessions regarding the patterns of military and nuclear collaboration with Israel and suggested that the Israeli attack on Osirak should be condemned as a clear-cut act of aggression and that mandatory sanctions under Chapter VII of the Charter should be imposed in order to interrupt the flow of military co-operation and assistance between Israel and some States and to bring about Israel's compliance with the system of IAEA inspections and safeguards.

At the same meeting, the representative of Israel stated that the raid against the Iraqi atomic reactor Osirak had been an act of self-preservation with which Israel had exercised its right of self-defence as understood in international law and as preserved in Article 51 of the Charter. He accused Iraq of harbouring a long-standing intention to destroy the State of Israel and cited Iraq's rejection of all United Nations proposals to resolve the Middle Eastern problem peacefully, in particular Council resolutions 242 (1967) and 338 (1973). He charged that, in recent years, Iraq had entered the nuclear armaments field methodically and had purposefully built up a nuclear-weapons capability. The situation had developed to the point where the reactor was to go critical in a matter of weeks, which had forced the Israeli Government to act with dispatch. In order to avert even greater pain to the civilian population in Baghdad, the Israeli Government had decided to strike the nuclear facility before it could become an immediate and great menace to Israel. The representative of Israel cited several legal authorities supporting the view that legitimate self-defence included the right to forestall a surprise attack and described the Israeli action as fully within the provisions of Article 51 of the Charter. He denied Iraqi charges that its nuclear installations had been attacked prior to June 1981 and renewed his Government's suggestion that a nuclear-weapon-free zone be established in the Middle East.¹⁰

At the 2288th meeting, on 19 June 1981, the President drew attention to a draft resolution¹¹ prepared in the course of consultations.

Mr. Sigvard Eklund, Director-General of IAEA, reported that the Board of Governors of IAEA had considered the Israeli attack on Osirak as a special item during its regular session and viewed the matter with great apprehension. He offered a detailed description of the existing nuclear facilities in Iraq and informed the Council that Iraq had complied fully with the inspections required periodically under the safeguards programme of the Agency. In view of the Israeli action and the rationale put forward for that drastic step he concluded that the raid on Osirak constituted an attack on the safeguards system of IAEA.*

The representative of the United States stated that the Israeli attack on the Iraqi reactor raised troubling questions that exacerbated the problems of the Middle East. Her Government, without diminishing

in any way its friendship and alliance with Israel, felt that the means chosen by Israel hurt the peace and security of the area and that Israel had not exhausted the available diplomatic approaches; thereby, the regional confidence that was essential for the peace process had been damaged. She agreed that Israel should be condemned, that IAEA should be strengthened and that Israel's neighbours should recognize Israel's right to exist and should enter into negotiations to resolve their differences. She emphasized that the negotiations of the last few days were geared towards an outcome that would protect the vital interests of all parties. In conclusion, she made special mention of the cooperative spirit and good faith of the Iraqi Foreign Minister and expressed hope that the results would move the turbulent Middle East closer to the time when all parties could turn their energies and resources from war to peace."

At the 2288th meeting, the President put the draft resolution to the vote: it received 15 votes in favour and was adopted unanimously as resolution 487 (1981).¹⁴ It reads as follows:

The Security Council,

Having considered the agenda contained in document S/Agenda/2280,

Having noted the contents of the letter dated 8 June 1981 from the Minister for Foreign Affairs of Iraq,

Having heard the statements made on the subject at its 2280th through 2288th meetings,

Taking note of the statement made by the Director-General of the International Atomic Energy Agency to the Agency's Board of Governors on the subject on 9 June 1981 and his statement to the Security Council at its 2288th meeting on 19 June 1981,

Taking note also of the resolution adopted by the Board of Governors of the Agency on 12 June 1981 on the "military attack on Iraqi nuclear research centre and its implications for the Agency",

Fully aware of the fact that Iraq has been a party to the Treaty on the Non-Proliferation of Nuclear Weapons since it came into force in 1970, that in accordance with that Treaty Iraq has accepted Agency safeguards on all its nuclear activities, and that the Agency has testified that these safeguards have been satisfactorily applied to date,

Noting furthermore that Israel has not adhered to the Treaty on the Non-Proliferation of Nuclear Weapons,

Deeply concerned about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981, which could at any time explode the situation in the area, with grave consequences for the vital interests of all States,

Considering that, under the terms of Article 2, paragraph 4, of the Charter of the United Nations, "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",

1. *Strongly condemns the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;*

2. *Calls upon Israel to refrain in the future from any such acts or threats thereof;*

3. *Further considers that the said attack constitutes a serious threat to the entire safeguards régime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;*

4. *Fully recognizes the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;*

5. *Calls upon Israel urgently to place its nuclear facilities under the safeguards of the International Atomic Energy Agency;*

6. *Considers* that Iraq is entitled to appropriate redress for the destruction it has suffered, responsibility for which has been acknowledged by Israel;

7. *Requests* the Secretary-General to keep the Security Council regularly informed of the implementation of the present resolution.

Following the adoption of the resolution, the Minister for Foreign Affairs of Iraq deplored that the inclusion of **decisive** measures, including sanctions under Chapter VII of the Charter, had not been possible. He expressed great dismay regarding the attitude shown by the United States in supporting and protecting Israel.”

NOTES

¹ S/14509, *OR, 36th yr., Suppl. for April-June 1981*. See also the letter dated 10 June 1981 from the representative of Iraq transmitting a second letter from the Foreign Minister offering further details about the Israeli aggression and two earlier raids aimed at the nuclear installations on 27 September 1980. He also called for measures under Chapter VII of the Charter and urged that the Council and the international community lend full support to Iraq (S/145 14, *ibid.*).

² S/14510, *ibid.*

³ For details, see chap. III of the present *Supplement*.

The representative of the United States restated her delegation's opposition to the invitation of the PLO under the special practice. The representative of Ireland announced his delegation's support for the invitation and argued that since the invitation was not requested under rule 37, the procedure chosen was not in violation of the Council's legal principles. The representative of Japan indicated that he objected to the invitation of the PLO under the special modality, as the item before the Council did not fall under the general question of the situation in the Middle East (see 2280th mtg., paras. 6-15).

⁴ See 2280th mtg., para. 16, for the vote (11 in favour, 1 against, 3 abstentions). See chap. III of the present *Supplement* for further details.

⁵ *Ibid.*, para. 17.

⁶ 2284th mtg., para. 4.

⁷ 2286th mtg., para. 2.

⁸ 2280th mtg., paras. 21-53. For similar views, see statements by Algeria, Jordan, the Sudan and Tunisia at the 2280th meeting; by Algeria, Cuba, India, Kuwait, Pakistan and Mr. Klibi at the 2281st meeting; by China, the German Democratic Republic, Lebanon and Uganda at the 2282nd meeting; by Egypt, Mongolia, Romania, Sierra Leone, Soviet Union, Viet Nam, Yugoslavia and Zambia at the 2283rd meeting; by Niger, Panama, the Syrian Arab Republic and Yemen at the 2284th meeting; by Bangladesh, Cuba (on behalf of the Movement of Non-Aligned Countries), Czechoslovakia, Morocco and Poland and by the PLO at the 2285th meeting; by Guyana, Hungary and Somalia at the 2286th meeting; by Indonesia, Malaysia, Nicaragua and Sri Lanka and by Mr. Maksoud at the 2287th meeting; and by the President (Mexico) at the 2288th meeting. For comments reprimanding Israel for its action but refraining from any call for punitive sanctions, see statements by France, Japan and the United Kingdom at the 2282nd meeting; by Ireland at the 2285th meeting; and by Italy at the 2286th meeting.

⁹ See 2280th mtg., paras. 57-117. See also 2288th mtg., paras. 38-98, for a restatement of the Israeli position.

¹⁰ S/14556, adopted without change as resolution 487 (1981).

¹¹ 2288th mtg., paras. 6-19.

¹² *Ibid.*, paras. 22-36.

¹³ See *ibid.*, para. 151, for the vote.

¹⁴ *Ibid.*, paras. 181-186. For similar views on the text of the resolution, see *ibid.* statements by the German Democratic Republic, Uganda and the Soviet Union. See chaps. XI and XII of the present *Supplement* for a special analysis of the relevant discussions regarding Articles 2, paragraph 4, 39, 41 and 51 and Chapter VII of the Charter.

6. LETTER DATED 1 SEPTEMBER 1980 FROM THE PERMANENT REPRESENTATIVE OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In a letter¹ dated 14 January 1981, the representative of the Libyan Arab Jamahiriya informed the Secretary-General that the Basic People's Congresses had **decided** to ratify the special agreement between the Libyan Arab Jamahiriya and Malta and to submit the dispute over the continental shelf to the International Court of Justice (ICJ), provided that no drilling in the disputed area would be allowed until the Court had concluded its consideration of the matter.

By letter² dated 15 January 1981, the representative of Malta referred to paragraph 5 of the Secretary-General's report³ of 13 November 1980, which stated that the Libyan Arab Jamahiriya had undertaken unconditionally to submit the original text of the agreement to the Popular Congresses for ratification with a view to exchanging the instruments of ratification and formulating the joint notification to the Registrar of ICJ during the first two weeks of December 1980, and charged that the Libyan Arab Jamahiriya not only had delayed ratification but had laid down a new condition. The Government of Malta viewed it as a failure by the Libyan Government to comply fully with its solemn undertaking given to the Security Council and the Secretary-General, and requested the Council urgently to take all necessary action within its powers as the guardian of international peace and security and as the protector of the legitimate peaceful activities of small, unarmed countries.

In a letter⁴ dated 21 July 1981, the representative of Malta requested the President of the Council to convene a **meeting** with a view to condemning the Libyan Arab Jamahiriya and urging it not to perform further acts of molestation.

At its 2294th meeting, on 30 July 1981, the Council resumed its consideration of the item, which had been included in its agenda at its 2246th meeting. The President invited the representatives of Malta and the Libyan Arab Jamahiriya to participate in the discussion without the right to vote, in accordance with the decision taken at the 2246th meeting.⁵ The Council considered the matter at its 2294th meeting.

The Secretary-General stated that since he had received the letter dated 14 January 1981 from the Libyan Arab Jamahiriya, his special representative and he had maintained close contact with both parties with a view to assisting them in finalizing the exchange of instrument of ratification and Joint notification to ICJ as provided for in the special agreement. In late March, following his representative's suggestions, a delegation from the Libyan Arab Jamahiriya had visited Malta where inconclusive discussions had been held between the parties, and subsequent efforts had so far not succeeded. Malta held that the presence in the instrument of ratification submitted by the Libyan Arab Jamahiriya of what it considered to be implicit conditions regarding the question of **drilling** was unacceptable, whereas the Libyan Arab Jamahiriya had stated that its instrument of ratification, while referring to the People's Congresses as the **highest** authority competent to **ratify** international agreements, did not contain any additions or amendments to the special