

THE ISRAELI RAID ON IRAQ'S NUCLEAR REACTOR, TAMUZ 1

On Sunday 7 June 1981 Iraq's nuclear reactor was destroyed as the result of an air attack by Israel, which argued that the facility was to be utilised for the development of nuclear weapons to be used against Israel and that destruction at a later time would have produced a fatal radioactive fallout. The UN Security Council condemned the Israeli raid. Iraq denied the Israeli allegations as to the use of the reactor, pointing out that she was a signatory to the Treaty on the Non Proliferation of Nuclear Weapons which was opened for signature on 1 July 1968. Israel is not a party to that Treaty and thus is not obliged to adhere to International Atomic Energy Agency's Safeguards. In a commentary in 13 California Western Law Journal 86 (1983) J.E. Birnberg argues that the attack could be justified if it were assumed that Iraq did in fact intend to develop nuclear weapons and that there was still a state of war between the two powers. An alternative argument based on Israel's exercise of self defence would not, in the author's view, be as persuasive. If Iraq intended to utilise the reactor for peaceful purposes only, as she claimed, there would be greater difficulties in justifying the raid. Professor Anthony D'Amato also comments on this event in 77 American Journal of International Law 584 (1983). Professor D'Amato indicates that his limited purpose in this commentary is to invite detail and considered scholarly analysis of the situation. See also Massison, The Israeli Aerial Attack of June 7, 1981, upon the Iraq Nuclear reactor: Agression or Self Defence? 15 Vanderbilt Journal Transnational Law 417 (1982); P. Tavernier, Le raid isralien sur Tamouz et les raids sud-africains en Angola 5 Arès, Défense et Sécurité 382 (1981).

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