



VIIMES Initiative



On
Prohibition of Armed Attacks or a Threat of Attacks against Nuclear Facilities in the Middle East
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According to international laws including Geneva Conventions, any armed attack on or a threat of attack against Nuclear Facilities is considered highly irresponsible and unacceptable. Apart from tragic human losses it may have and learning a lesson from accidents in Chernobyl and Fukushima, such attacks due to transboundary release of radioactive material could bring about devastating consequences for the country, where the strike occurs, its surrounding countries and the world at large. To avoid another nuclear disaster, the world needs to be more vigilant and take on a responsibility to prevent any attack and its serious humanitarian catastrophe and radioactive contamination. Unfortunately, the Middle East is the only region in the world, where this taboo was first broken in 1981 and repeated several times afterwards.

The very issue of immunity of all nuclear facilities against armed attacks have been repeatedly addressed by the international community and reiterated upon in a number of international legal documents. On various occasions, grave concern has been expressed on potential damage to nuclear facilities that could have significantly adverse impacts on human health and the environment. So, the world is well aware of potential risks associated with all kinds of attacks i.e. military, cyber, terrorist, etc. by any country or individuals.

It is recalled that the IAEA General Conference Resolution GC(43)/533 of 1990 recognizes that an armed attack or a threat of armed attack on a safeguarded nuclear facility, in operation or under construction, would create a situation in which the UN Security Council would have to act immediately in accordance with the provisions of the UN Charter.

Due to increasing threats, the IAEA General Conference in 2009, while repeating its concern, unanimously adopted Decision GC(53)/DEC/13 stating that “any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the UN Charter, international law and the Statute of the Agency”.

In 2010, the NPT Review Conference adopted the final document by consensus, in which it expressed concern and called upon the prohibition of any attack on and a threat against nuclear facilities.

Considering international legal obligations and the risks of radiological hazards, the international community has to, with its full capacity, do everything to prevent an armed attack and nuclear accidents which cause radiological emergency.

As an acknowledgement of the above, one can rightly quote Dr. Hans Blix, former IAEA Director General (from 1981 to 1997) from his letter to the author of this article, saying: “The provisions of Article 56 of the Protocol Additional to the Geneva Conventions of 12 August 1949 explicitly emphasizes on the need for the protection of works and installations containing dangerous forces and protects nuclear electrical generating stations against attack, if it causes the release of dangerous forces and consequent severe losses among the civilian population”. He also recalls on other resolutions adopted by the General Conference of the IAEA on measures to strengthen international co-operation in matters relating to nuclear safety and radiological protection.

Dr. Hans Blix, the senior internationally recognized figure stipulates that “the protection of civilians is the most important rationale for the provisions of the given documents, while believing that any belligerent action against objects that could release radioactive material may stand as seriously condemned as an attack by nuclear weapons. Any such attack could also put the whole nuclear industry in the world in jeopardy.”

In addition, Members of the Non-Aligned Movement (NAM), in their statement (Para e) addressed to the Board of Governors in 2012, “reaffirms the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities - operational or under construction - poses a serious danger to human beings and the environment, and constitutes a grave violation of international law, of the principles and purposes of the Charter of the United Nations, and of regulations of the IAEA. NAM also recognizes the need for a comprehensive multilaterally negotiated instrument prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.”

Despite the significance of the issue and an increasing concern over the risks of armed attacks on nuclear facilities, the threat of attacks specifically in the Middle East is continued. Therefore, there is a desperate need for commencement of a comprehensive international negotiation for finalizing a legally binding instrument - a convention - on prohibition of armed attacks on and/or a threat of attack against nuclear facilities.

The concise practical proposal is as follows:

The Secretary General of the United Nations be entrusted to organize a historical event on “Simultaneous Announcement by all in the Middle East on Immunity of Nuclear Facilities and Commitment not to attack Nuclear Facilities”.