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LETTER DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF IRAQ
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 August 1990 addressed to you by Mr. Tariq Aziz, Deputy Prime Minister and Minister for Foreign Affairs of Iraq, enclosing two letters, dated 30 July 1990 and 14 August 1990 respectively, from Mr. Saddam Hussein, President of the Republic of Iraq, addressed to the President of Iran.

(Signed) Abdul Amir A. AL-ANBARI
Permanent Representative

Annex

Letter dated 15 August 1990 from the Deputy Prime Minister
and Minister for Foreign Affairs of Iraq addressed to the
Secretary-General

Iraq has always been assiduous in urging and in striving sincerely and persistently for the establishment of a lasting and comprehensive peace with its neighbour Iran that will guarantee the rights of the two countries and the permanency of relations of good-neighbourliness between them.

As you know, Iraq has given proof of this well-established position since the establishment of the Islamic Republic of Iran in 1979. It continued to affirm this position in various ways and on various occasions during the armed struggle between Iraq and Iran, in particular by means of the many letters addressed by Mr. Saddam Hussein, President of the Republic of Iraq, to the Iranian peoples, some of which were distributed as documents of the General Assembly and of the Security Council (documents A/38/113-S/15636, A/38/268-S/15825 and S/18258).

You are also aware that Iraq did not hesitate throughout the period of the conflict to adopt positions that brought opportunities for peace nearer and that it was the initiative of President Saddam Hussein of 6 August 1988 which led to the declaration of a cease-fire.

After the entry into force of the cease-fire and the start of the meetings held under your auspices, Iraq presented a set of initiatives and ideas for the achievement of peace. Among the most prominent of these were the proposals submitted by us in Baghdad on 13 November 1989 to your Personal Representative, Mr. Jan Eliasson. That was followed by the comprehensive peace initiative of Mr. Saddam Hussein, President of the Republic of Iraq, of January 1990, which was communicated to the United Nations and circulated in document S/21070.

Iraq then adopted a historic and courageous position when President Saddam Hussein took the initiative of establishing direct contact with the Iranian leadership. This was done by means of the peace message sent by Mr. Saddam Hussein, President of the Republic of Iraq, to Mr. Ali Khamenei and to Mr. Ali Akbar Hashemi Rafsanjani, President of the Islamic Republic of Iran, on 21 April 1990, whose tenor met with a positive response enabling the two countries to pursue their contacts. It should be noted that, in this context, Mr. Saddam Hussein subsequently sent, a number of letters, dated 19 May, 16 July, 30 July, 2 August and 3 August 1990, to President Rafsanjani. The direct contacts continued to be maintained throughout this period by two accredited representatives of the leaders, namely Mr. Barzan Ibrahim al-Takriti and Mr. Cyrus Naseri, the Permanent Representatives of Iraq and Iran respectively to the United Nations Office at Geneva. In the course of these contacts, we presented numerous proposals and initiatives aimed at facilitating the process of achieving peace.

In keeping with this well-established position of principle to which Iraq has remained committed and in keeping with its sincere desire actually to enter into

the process of achieving peace and resolving all the outstanding issues between it and Iran, on 14 August 1990 Mr. Saddam Hussein addressed a historic letter to President Ali Akbar Hashemi Rafsanjani that included the following decisions:

"1. To agree to the proposal [i.e. that of the Iranian side] contained in your letter of reply dated 8 August 1990 and received by our representative in Geneva, Mr. Barzan Ibrahim al-Takriti, from your representative, Mr. Cyrus Naseri, that the 1975 Accord should be used as a basis while standing in close relation to the principles set forth in our letter of 30 July 1990, particularly with regard to the exchange of prisoners and to paragraphs 6 and 7 of Security Council resolution 598 (1987).

"2. On the basis of paragraph 1 of the present letter and of the tenor of our letter addressed to you on 30 July 1990, we are prepared to send a delegation to you in Tehran or to be visited by a delegation from you in Baghdad in order to prepare the agreements and make ready for their signature at the level at which agreement is reached.

"3. As an earnest of good faith, our withdrawal will begin as of Friday, 17 August 1990 and we shall withdraw the forces opposing you along the borders so that only a token presence will remain, with border guards and police and no more, in order to carry out the day-to-day duties required in normal circumstances.

"4. There should be an immediate and comprehensive exchange of all prisoners of war, the full number held in both Iraq and Iran, to take place across the land boundaries and by way of the Khanaqin - Qasr-e Shirin road and other crossing points to be agreed upon. We shall take the initiative in this matter and shall put it into effect as of Friday, 17 July 1990."

By means of this historic initiative, Iraq, by its noble and historic stance, is laying the foundations for a comprehensive and lasting peace between it and Iran and is achieving the object of the endeavours of the international community and the United Nations and meeting the desire of all the peoples of the world.

I must once again call attention to the historic initiative proclaimed on 12 August 1990 by Mr. Saddam Hussein, President of the Republic of Iraq, addressing the issues of the region. We hereby affirm the sincerity of our intentions and the rigour of our position on the solution of a dangerous and complex regional issue and one whose continued existence poses a threat to international peace and security.

In order to carry out the withdrawal with effect from the date set in the letter of President Saddam Hussein, namely 17 August 1990, I request you to instruct the Chief Military Observer of the United Nations Iran-Iraq Military Observer Group, Major General Slavko Jovic, to co-operate with the competent Iraqi authorities in carrying out the task.

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I enclose herewith copies of the letters dated 30 July 1990 and 14 August 1990 from Mr. Saddam Hussein, President of the Republic of Iraq, addressed to Mr. Ali Akbar Hashemi Rafsanjani, President of the Islamic Republic of Iran.

(Signed) Tariq AZIZ
Deputy Prime Minister and
Minister for Foreign Affairs of Iraq

Enclosure I

Letter dated 14 August 1990 from the President of Iraq addressed
to the President of the Islamic Republic of Iran

Having placed our trust in Almighty God; for the purpose of removing the obstacles to the establishment of fraternal relations with all Muslims and with our worthy brothers the Muslims of neighbouring Iran; in order to open the way for vigorous common action with all Believers in confronting the evil doers who wish calamity on the Muslims and on the Arab nation; in order to extricate Iraq and Iran from the blackmail and intrigues of malicious international forces and their adjuncts in the region; in keeping with the spirit of the initiative announced by us on 12 August 1990 through which we aspired to the achievement of a comprehensive and lasting peace in the region, so that we may leave to those who have a pretext nothing that may prevent their involvement or perpetuate misgivings and suspicion; so that none of Iraq's capacities shall remain unutilized away from the field of the major clash and can be mobilized for the goals on whose validity the noble Arabs and Muslims are unanimous; in order to keep mutual interference out of the trenches and remove suspicions and misgivings so that the worthy may find their way to establishing normal relations between Iraq and Iran; as a result of our direct dialogue extending from the time of our letter addressed to you on 21 March 1990 up to the latest letter from you addressed to us on 8 August 1990; and as a definitive and unequivocal solution that will leave an excuse to none;

We have decided as follows:

1. To agree to the proposal contained in your letter of reply dated 8 August 1990 and received by our representative in Geneva, Mr. Barzan Ibrahim al-Takriti, from your representative, Mr. Cyrus Naseri to the effect that the 1975 Accord should be used as a basis while standing in close relation to the principles set forth in our letter of 30 July 1990, particularly with regard to the exchange of prisoners, and to paragraphs 6 and 7 of Security Council resolution 598 (1987).
2. On the basis of paragraph 1 of the present letter and of the tenor of our letter addressed to you on 30 July 1990, we are prepared to send a delegation to you in Tehran or to be visited by a delegation from you in Baghdad in order to prepare the agreements and make ready for their signature at the level at which agreement is reached.
3. As an earnest of good faith, our withdrawal will begin as of Friday, 17 August 1990, and we shall withdraw our forces opposing you along the borders so that only a token presence will remain, with border guards and police and no more, in order to carry out the day-to-day duties required in normal circumstances.
4. There should be an immediate and complete exchange of all prisoners of war, the full number held in both Iraq and Iran, to take place across the land boundaries and by way of the Khanaqin - Qasr-e Shirin road and other crossing points to be agreed upon. We shall take the initiative in this matter and shall put it into effect as of Friday, 17 July 1990.

Mr. President Ali Akbar Hashemi Rafsanjani:

With this decision of ours all has become clear, and thus all that you have desired and all that you have stressed has been achieved. It remains only for the instruments to be circulated before we can look down together from a commanding position onto a new life in which co-operation holds sway under the aegis of the principles of peace. Each of us will respect the rights of the other, we shall dismiss from our shores those who fish in troubled waters, and we shall perchance co-operate both in ensuring that the Gulf remains a lake of peace and safety, free of foreign fleets and the forces of the foreigner which lie in ambush to our misfortune, and in other spheres of life.

Enclosure II

Letter dated 30 July 1990 from the President of the Republic of Iraq
addressed to the President of the Islamic Republic of Iran

Following careful consideration of that which must be considered and a thorough review of the evolution of relations between - and the situation in - Iraq and Iran, as well as of the dangers encircling and encompassing the region, and with a view to maintaining our practice of launching initiatives which afford greater opportunities for the achievement of peace, we find ourselves confronted - in accordance with our national responsibility and with the humanitarian responsibility which our great principles place upon our shoulders - with the responsibility of launching a fresh initiative. Since our initiative this time addresses all the essential issues contained in the provisions of Security Council resolution 598 (1987) at one time, in a single context and in detail, we hope it will receive the attention which is its due. We hope that the initiative will be treated with sufficient seriousness to prevent our two peoples' being denied the opportunity of enjoying their right to live in conditions of peace whose every detail is agreed, as well as to ensure they are spared from the schemes of enemies of peoples, who endeavour - God forbid - to turn back the clock in our two countries to the situation as it was before August 1988. In that event, losers will be losers, without any evident gain.

The forces of darkness, which pry into corners and bear the instruments of death, are capable - under the influence of a feeling that the war between the two countries is not yet legally over - of causing the spark of war to be lighted once again. As you are aware, war can spring from beginnings that seem at first to be of only minor importance, just as a massive fire can spring from a single spark. Those evil beings who lie in wait to waylay us may, as a result of their inability to achieve their aims without engaging the two countries - or either one of them - in war, of their concern at the quantity of weapons accumulated by the two parties to the dispute, and of their desire to test the effectiveness of those or some portion of those weapons, be driven to light the spark by their own vile means. In this they may encounter little difficulty, given a front which - on land alone - stretches for some 1,200 kilometres, and for about 800 kilometres at sea. On these fronts, where it is quite possible - and probable - that sparks may fly from the mouths of weapons, it is hardly necessary that many should fire their weapons in order for hostilities to begin. If just one of them does this for any reason, and at whatever prompting, then many will fire as a consequence. The loss will then be the greater for all; only the wicked will gain; and, as we have said before, it will be our peoples who suffer the consequences.

Since this is the objective of neither Iraq nor Iran, as is evident from the statements of those who represent them, it is thus imperative not only to achieve peace but to do so as rapidly as possible, in order to ensure that our area is spared any practical application of the dreams of darkness and the oppressors.

In accordance with all the above, I advance the following initiative:

1. I again raise the idea of holding a prompt meeting between the Heads of the two States, at a place to be agreed upon, where they may discuss the issues which, if the subject of an agreement, may serve as the basis of a comprehensive and lasting peace.
2. The discussion and agreement should cover all outstanding issues. Once a comprehensive agreement has been reached, no new issue may be raised by one side without the agreement of the other: to raise any such new issue shall constitute an evasion of the agreement. The rubrics of the agreement shall be drawn from the provisions of Security Council resolution 598 (1987). The agreement shall be concluded on the understanding and assurance that the fundamental objective of resolution 598 (1987) is none other than to bring about a comprehensive and lasting peace by means of dialogue, that the elements of the agreement constitute an indivisible whole, in the form of an integrated and inter-related transaction, and that an infringement of any one of its provisions is an infringement of every one of them.
3. The starting-point for the dialogue and agreement on the issues is not important. However, agreement on any one or more components of the subjects under discussion shall remain dependent on agreement on the other items, in conformity with all the contents of paragraph 2 above.

Accordingly, either party to the dialogue shall be entitled to reply as it sees fit to any individual declaration made by the other party: this shall include the right to repudiate a partial agreement on any one of the agreed subjects of the dialogue.

4. Withdrawal shall take place within a period of no more than two months from the date of the final ratification of the comprehensive agreement concluded by us, though if the period is shorter, so much the better. The agreement should be based on an inseparable relationship of interdependence between each step to be taken by the parties to the conflict, with respect to the commitment of each side under the agreement to take an appropriate or equivalent step such as will correspond to the commitment of the other side.
5. We continue to consider that the subject of prisoners of war should be governed by the Geneva Convention. We therefore assume that their release should be based on the provisions of that Convention. Two years have passed since the time when prisoners should have been released in accordance with the Convention, i.e. from the cease-fire until the present. Nevertheless, in order to facilitate the peace process, we have no objection, in conformity with the principles and concepts referred to above, to accepting a timetable for the release of prisoners based on the period specified in paragraph 4, namely, on a maximum period of two months from the date of the final ratification of the agreement. If agreement can be reached on a shorter period, so much the better.

6. The dialogue concerning the Shatt al-Arab must be based on the three following rubrics:

(a) Full sovereignty over the waterway belongs to Iraq, as is its legitimate historical right.

(b) While Iraq shall have sovereignty over the Shatt al-Arab, it shall apply the concept of the thalweg line in respect of navigation rights between Iraq and Iran, including right of passage, the right to fish and the right to join in the control of shipping passing through the waterway and distribution of profits arising therefrom.

(c) The Shatt al-Arab issue shall be referred to arbitration on the basis of a formula to be agreed upon by the two parties, each one undertaking in advance to accept the results of such arbitration. Until such time as the issue is decided by arbitration, a start will be made on operations to clear the Shatt al-Arab, in accordance with a formula to be agreed upon by the two parties, to make it viable for shipping and other uses.

The agreement will be based on the supposition that the two sides will jointly select any of the three above rubrics, on the understanding that the first rubric represents the right of Iraq and that the other two rubrics represent the wishes of Iran.

7. There must be an agreement to drop paragraph 6 of Security Council resolution 598 (1987) from the discussion and finally to set it aside, because it obstructs rather than promotes progress towards peace. Its consequences may give rise to rancour and hatred, and to revenge in the future, while peace could serve as an alternative path for the Iranian and Iraqi peoples. In this connection, the Secretary-General of the United Nations should be informed, officially and in writing, of the agreement which we conclude.

8. No start should be made on any of the aforementioned steps, as included in the peace agreement to be concluded by us between Iraq and Iran, before the completion of all legal measures for its ratification as required under the Constitutions of the two countries, in order to ensure that the agreement is final from the legal and constitutional point of view and does not admit any total or partial retraction whatsoever, and that its provisions are effective. The instruments of ratification of the agreement are to be deposited with the Secretary-General of the United Nations simultaneously in accordance with an agreement between the two parties.

9. The new peace agreement between Iraq and Iran should include all matters upon which agreement is reached. There shall be no objection, with a view to facilitating the rapid conclusion of the peace agreement, to the inclusion therein - apart from new issues, land border questions and other rights which may be agreed upon - of some of the contents of previous agreements from the history of relations between our two countries, and of that which was formerly agreed upon, provided that the provisions contained in the present letter are not thereby infringed.

10. The agreement must include clear principles concerning the establishment of good-neighbourly relations, non-intervention in internal affairs and respect on the part of each country for the political, economic and social system which may be chosen by the other country, as well as an unequivocal affirmation of the rights of passage for all forms of shipping through the international waters of the Gulf and the Strait of Hormuz.

11. It may be appropriate for proper implementation of the agreement to be guaranteed by an accepted international body (the Security Council).

12. Although we recognize that the international situation does not allow us to set great hopes on the provision of assistance to us for reconstruction, we consider that the international assistance which is to be provided under paragraph 7 should be divided equally between Iraq and Iran.

13. With a view to facilitating communications between us, and in light of the positive evolution of our relations, we believe that our embassies at Tehran and Baghdad should be opened once again, particularly since they remained open during the war and closed only in September 1987.

This, Mr. President, is what we think will bring about a lasting and comprehensive peace between Iraq and Iran. It is an integrated proposal, the elements of which are interdependent and indivisible. This is what our experience has helped and even inspired us to seek, and it at the same time reflects the contents of the talks held between our representatives in Geneva, Mr. Naseri and Mr. Barzan.

Everything is thus made clear, leaving no room for any contrary interpretation: what we seek is a genuine, comprehensive and rapid peace.

God is most great.

(Signed) Saddam HUSSEIN
President of the Republic of Iraq