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LETTER DATED 17 MARCH 1986 FROM THE PERMANENT REPRESENTATIVE OF IRAQ  
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On the occasion of the distribution of the report contained in document S/17911 and on instructions from my Government, I wish to draw attention to some established facts, whose meaning should be understood by all, relating to the question of the armed conflict between Iran and Iraq in general and the question dealt with in the report in particular.

My country's Minister for Foreign Affairs said in his statement before the Security Council on 18 February 1986 that international law as a whole grants rights to States and imposes obligations on them and that it is not legally correct for a State to adhere to its rights without at the same time honouring its obligations and respecting the rights enjoyed by another State under international law.

He also emphasized that, in the case of the conflict brought before it, the Security Council is faced with Iran's insistence on violating all fundamental rules of international law while, at the same time, adhering to the substance of the subsidiary rules and that, even in adhering to those subsidiary rules, while in maintaining its own rights under them, it omits to recognize the rights that the same rules give Iran.

We believe that the selective manner in which the Iranian régime treats international law has been demonstrated by one proof after another during our dealing, over the course of three years, with piecemeal treatments of the war. We believe that any neglect or disregard of this method in the investigation of any aspect of the conflict cannot be accidental, whatever arguments may be put forward to justify it.

On the one hand, it must be clear to all that the unrestricted and unconditional jurisdiction of the Security Council over conflicts that present a threat to international peace and security, which is provided for expressly in the Charter of the United Nations, is rejected by Iran, because it has made its acceptance of the said jurisdiction conditional and optional. This Iranian position is aimed at providing the practical requirements at the international diplomatic level to keep the international Organization occupied with dealing with

some aspects of the war so that the Iranian régime can continue its declared policy of continuing the war for the sake of territorial expansion at the expense of Iraq and the States of the Arabian Gulf region.

On the other hand, although the Security Council issued its last resolution, resolution 502 (1986) of 24 February 1986, unanimously and entirely uninfluenced by the positions of the two parties to the conflict, it must also be clear now to all how the Iranian régime expressed its position with regard to that resolution in the statement of the Iranian Ministry of Foreign Affairs (document S/17864), wherein it interpreted the provisions of the resolution in the same selective manner it had adopted previously. The Iranian régime considers that the Security Council "has practically endorsed the military solution as the only means of meeting the aggression" and that "as long as the Council does not, in spite of the influence of certain permanent members, adopt a fair, objective and constructive position for discharging its constitutional duties, the responsibility for the continuation of the war remains with the Council".

The statement concludes, finally, by expressing alleged preparedness to co-operate with the Secretary-General only in what it calls "matters related to the observance of the rules of international law and to the eight-point plan". This position of the Iranian régime, as is quite obvious, actually means a categorical refusal to accept Security Council resolution 582 (1986), which constitutes a flagrant violation of the provision contained in Article 25 of the Charter.

Iraq has warned the international Organization and the Secretariat on many occasions during the past three years, and most recently in the Security Council in February 1986, of the consequence of going along with the Iranian policy of exploiting the step-by-step method in order to gain time to prepare to invade Iraq time after time. Iraq, which has in recent years faced large-scale Iranian attempts to invade its territory and which is even now resisting a major Iranian invasion in the southern part of its territory, deems it its duty to remind the Security Council of the unanimous adoption of its resolution 582 (1986), which deals with the war within a comprehensive framework and calls for an immediate halt to it in accordance with the principles laid down in the Charter of the United Nations, international law and relations among States, and to draw attention to the Iranian régime's selective method of interpreting the said resolution in order to disengage itself from commitment to it. We hope that all will be fully aware of the critical nature of the situation, which requires abstention from any unbalanced measure that would let escape the opportunity to proceed with the responsible international campaign for peace and would enable the Iranian régime to lend a veneer of legality to its selective method for the sake of continuing the war.

In concluding my letter, I would recall the words of my country's Minister for Foreign Affairs towards the end of his statement before the Security Council, when he said that Iraq will not accept any effort that is not clearly and quite unambiguously directed towards the termination of the war and will not participate in any other kind of effort or assume responsibility for it.

I wish to emphasize once again that our people, which is defending the sovereignty of the country and its territorial integrity, pride, dignity and honour most bravely and competently and which has made enormous sacrifices of men and

matériel for this noble purpose, will spare no effort to continue its defence, using all available potentials and means that will enable it to repulse aggression and oppression. The only proper course for the Security Council hereafter is to assume its responsibilities as provided for in the Charter and to place the Iranian régime decisively before its commitments under the Charter: either it will accept them or the Security Council will take the measures appropriate to the situation deriving from its rejection thereof. This is the only way that will demonstrate to the international community in general, and to us in particular, the credibility of the Council and of the international Organization.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ismat KITTANI  
Permanent Representative

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