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NOTE VERBALE DATED 7 AUGUST 1987 FROM THE PERMANENT MISSION OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Iraq to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the text of a note verbale from the Ministry of Foreign Affairs of the Republic of Iraq dated 7 August 1987, concerning the Iranian military manoeuvres in the Arabian Gulf and the Gulf of Oman.

The Mission would be grateful if the Secretary-General would have this note verbale and its annex circulated as a document of the Security Council.

Annex

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Secretary-General of the United Nations and has the honour to state the following:

On 3 August 1987, Iran announced its intention of conducting naval manoeuvres in its territorial waters in the Arabian Gulf and in the Gulf of Oman and warned all vessels, whether commercial or military, against approaching those waters.

As is known, Iranian territorial waters cover a part of the waters of the Strait of Hormuz and a part of the waters situated between the Tunb and Forur islands. As is known also, the Strait of Hormuz is regarded as a strait used for international navigation linking two parts of the high seas, so that navigation in it is governed by the transit passage régime (under article 38, paragraph 1, of the 1982 Convention) or by the innocent passage régime, which may not be suspended (under article 16, paragraph 4, of the 1958 Geneva Convention on the Territorial Sea). Under both provisions, the coastal State may not suspend passage through the Strait for any reason whatsoever. The Tunb and Forur islands area falls under the same provisions governing international straits, whether it be regarded as an independent international strait having the same characteristics as a strait used for international navigation or as an extension of the Strait of Hormuz, since shipping lanes to or from the Strait of Hormuz, as defined by the International Maritime Organization, pass close to those islands.

The Iranian announcement is extremely serious, not only for current international navigation and the interest of the international community but also for the future of that navigation and those interests, because it constitutes a dangerous precedent that violates a fundamental principle of international law and also disrupts the balance on which the 1982 United Nations Convention on the Law of the Sea is established. At a time when the international community is unanimously calling for compliance with Security Council resolution 598 (1987), the ending of the war and the establishment of security and stability in the region as a whole, we find the rulers of Iran going to extremes in their disregard for the principles of international law and the will of the international community and proceeding with their aggression against all.

The Government of the Republic of Iraq, while once again declaring its adherence to and respect for the principles of international law, strongly condemns this Iranian action and regards it as a dangerous precedent with regard to disrespect for international norms and obligations. It requests the Secretary-General of the United Nations to intervene to prevent it and to regard this note verbale as an official document of the Security Council.

7 August 1987
