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REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE
EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF
FORCE IN INTERNATIONAL RELATIONS

SECURITY COUNCIL
Thirty-fifth Year

Letter dated 19 August 1980 from the Permanent Representative of
Iraq to the United Nations addressed to the Secretary-General

With reference to document S/13987, dated 6 June 1980, which circulated a message addressed to you by the Minister for Foreign Affairs of Iran, I have the honour, upon instructions from my Government, to point out that the arguments contained in the said message cannot be substantiated either in fact or in law. To begin with, my Government has not adopted since the Islamic Republic was established in Iran, as alleged, a hostile attitude toward the new régime. On the contrary, my Government addressed, as I have already had the opportunity to point out on another occasion in detail, to the new Iranian Government a note in which it expressed its earnest intention to establish the closest fraternal ties and co-operative relations with neighbouring peoples and countries, especially with Iran, on the basis of respect for sovereignty, non-interference in internal affairs and respect for the legitimate aspirations of peoples in accordance with the principles they choose through their own free will. The said intention has been emphasized on numerous occasions by the highest authorities in Iraq, as is clearly manifested, to cite but a few examples, by Mr. Saddam Hussain, the President of the Republic of Iraq, in the Pan-Arab Declaration proclaimed in Baghdad on 20 July 1980. In return, however, the conduct practised and the statement of the Iranian Government have been nothing but negative, hostile, and totally lacking in legitimacy and ethical conduct.

The Foreign Minister of Iran argues that our point of view regarding the islands (Abu Moussa, the Greater and the Lesser Tumbs) in the Arab Gulf "shows a complete lack of comprehension" on the historical background of the islands, that a veritable library could be compiled of official documents and maps that attest to Iran's sovereignty over these islands, and that what has been described by our Minister for Foreign Affairs in document S/13918 as "illegitimate occupation" is nothing but a reassertion of Iran's sovereignty over part of its territory.

* A/35/150.

Short of going into detailed legal arguments, it is to be pointed out that at no time in history has any of the three islands been subjected to Iranian rule. The true fact is that the British did not occupy the said islands separately, they occupied Ras Al Khaima in 1819 when they defeated the Kwassims. The three islands comprised part of the territory Ras Al Khaima since 1750 and they remained so without any interruption till 1866 when they were distributed between the Emirates of Al Sharjah and Ras Al Khaima, which continued to rule over them until their illegal occupation by the Iranian military forces on 30 November 1971.

As for the argument of the veritable library of maps and documents, one needs only to refer to the well-known Case of Palmas, decided in 1928 by the Permanent Court of Arbitration, which pointed out generally that the admission of maps as evidence of the title in territorial and boundary disputes has to be handled with great caution and reservation for, since the sources of information of cartographers is not normally known, the judge has to settle the dispute in question on the basis of the facts relating to the substance of the issue. When, upon the request of Iraq, the Security Council met in December 1971 to consider the question of the occupied islands, the representative of Iran signally failed to prove that the islands were in fact historically part of Iran.

The argument of reassertion of sovereignty, while very strange indeed and naive to say the least, is definitely wrong in law if its proponents mean by it that a State can make a territorial claim and proceed to enforce it through the use of military force.

Such an attitude entails a complete disruption of firmly established rules of international law regarding the acquisition of territorial titles. Those rules know no such licence as to acquisition of territory by force. And it is here that one is left to wonder as to whether it is Iraq or Iran that, as the Foreign Minister of Iran says in his letter, follows the path of Israel.

It is indeed very tempting to continue with expounding further legal bases to prove the illegality of the Iranian claims to the three Arab islands and the illegitimacy of the Iranian occupation thereof, had it not been for our deep conviction that the rulers of Iran know little of the modern law of nations as they have proved by their conduct in international relations. However, one should not fail to point out two material facts in this connexion. In the first place, the argument of the so-called Tehran Revolutionaries as to reassertion of sovereignty has been contradicted by the highest officials in the Iranian Government when they proclaimed (as did President Abu Al Hassan Bani Sadr in a statement broadcast by Riyadh Radio on 19 April 1980, and the Iranian Foreign Minister in his press conference in Abu Dhabi on 1 May 1980) that the issue of the islands is neither Iranian nor Arab but it is for Iran a universal unification of the Islamic World and that every part of Islamic land belongs to all Muslims and that the land of Islam belongs to Allah.

Secondly, the Iranian letter significantly stated that Iran has always viewed the question of the islands not an issue between Iran and the Arabs, but an

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issue between Iran and British colonialism. This statement is even more puzzling, for while it contradicts the Islamic revolutionary pretensions issuing from Tehran, it is exactly similar in substance and spirit to the argument presented by Mr. Amir Khosrow Afshar, the representative of Iran when it was under the rule of the Shah, in his statement before the Security Council at the 1610th meeting, held on 9 December 1971 (see paras. 211 and 212).

Obviously, the posture adopted by the present Iranian régime and its refusal to relinquish the occupied islands is but continuation of the dreams of empire evoked by the Shah and nurtured by the racial prejudice on the supremacy of the Persians as Aryans.

I have the honour to request that this letter be circulated as a document of the General Assembly, under item 106 of the provisional agenda, and of the Security Council.

(Signed) Salah Omar AL-ALI
Permanent Representative