

UNITED NATIONS



GENERAL
ASSEMBLY



SECURITY
COUNCIL

Distr.
GENERAL

A/35/483
S/14191
24 September 1980
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Thirty-fifth session
Agenda item 50
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING OF
INTERNATIONAL SECURITY

SECURITY COUNCIL
Thirty-fifth year

Letter dated 22 September 1980 from the Chargé d'Affaires a.i. of
the Permanent Mission of Iraq to the United Nations addressed to
the Secretary-General.

Upon the instructions of my Government, I have the honour to enclose herewith the text of a letter addressed to you by His Excellency Dr. Saadoun Hammadi, Minister for Foreign Affairs of the Republic of Iraq.

It is requested that his letter be circulated as an official document of the General Assembly, under agenda item 50 and of the Security Council.

(Signed) Saib BAFI
Chargé d'Affaires

ANNEX

Letter dated 21 September 1980 from the
Minister for Foreign Affairs of Iraq to
to the Secretary-General

You are no doubt aware that Iraq and Iran, through the mediation of Algeria, and following lengthy discussions conducted in the presence of the late Algerian President Houari Boumedienne, concluded on 6 March 1975 an agreement concerning the relations between the two countries. In that agreement the two parties decided, "in all sincerity with a view to reaching" a final and permanent solution to all the problems existing between their two countries, and in application of the principles of territorial integrity and inviolability of borders and of non-interference in internal affairs, to achieve the following:

1. To effect a definitive demarcation of their land frontiers on the basis of the protocol of Constantinople, 1913, and the procès-verbaux of the Delimitation of Frontiers Commission of 1914.
2. To delimit their fluvial frontiers according to the Thalweg Line.
3. Accordingly, the two parties will restore security and mutual trust along their common boundaries, and hence will commit themselves to exercising a strict and effective control over their common boundaries with a view to putting a definitive end to all acts of infiltration of a subversive character no matter where they originate from.
4. The two parties also agreed to consider the arrangements referred to above as integral elements of a comprehensive solution. Hence any impairment of any of their components shall naturally be contrary to the spirit of the Algiers agreement.

In addition, the two parties decided to restore the traditional relations of good neighbourliness and friendship, particularly by the elimination of all negative factors in their relations, the continuous exchange of views on questions of mutual interest and the development of mutual co-operation.

The two parties officially declared that the area should be kept safe from any outside interference. They also agreed that the Ministers of Foreign Affairs should meet to make necessary arrangements for the establishment of a Joint Iraqi-Iranian Commission to implement the decisions taken by mutual agreement. It was also agreed that Algeria should be invited to the meetings of the said Joint Commission. As a result of the Iraqi-Iranian negotiations, which were conducted in the presence and with the participation of the Algerian delegation, an international treaty on boundaries and good neighbourliness, as well as three protocols and annexes, were signed in Baghdad on 13 June 1975, all relating to the first three paragraphs of the Algiers agreements indicated above. On

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26 December 1975, four other agreements were also signed in Baghdad concerning the boundaries, the commissioners of the rules of navigation in Shatt Al-Arab, the utilization of frontier waterways and grazing, together with an exchange of letters and a joint procès-verbal concerning other technical matters.

It is worthy of note that article 4 of the treaty on international boundaries and good neighbourliness referred to above explicitly reiterates the provisions of paragraph 4 of the above-mentioned Algiers agreement since it includes the following:

The high contracting parties affirm that the provisions of the three protocols, and their annexes, referred to in articles 1, 2, and 3 of this treaty and annexed thereto and which constitute an integral part thereof are final and permanent and could not be breached on any ground whatsoever, and shall constitute indivisible elements of a global settlement, and, therefore, any violation of any constituent element of this global settlement is evidently contrary to the spirit of the Algiers agreement.

The first point to take in account in this regard is that, at an early stage, Iran took advantage of the said Algiers agreement and boundary treaty, benefitting from the protocol on the delimitation of the fluvial frontiers in Shatt Al-Arab while procrastinating on discharging its obligations under the protocol on the redemarcation of the land frontiers to the extent of delaying the implementation of measures for the restoration of the Iraqi territories which it had encroached upon and retained under its control. For its part, the Iraqi Government took into consideration the fact that the new régime in Iran needed some time before it could honour its obligations under the agreement. However, no sooner had the new régime assumed power than it began to violate these obligations and it has continued to do so ever since.

While the Algiers agreement has provided for non-interference in internal affairs, the ruling authorities in Iran have adopted a policy of continuous interference in the internal affairs of the Republic of Iraq. I have already given a detailed description of this policy, which runs counter to Iran's obligations under the Algiers agreement, in a letter addressed to you and circulated on 25 June 1980 as an official document of the General Assembly and Security Council (A/35/305-S/14020). On the other hand, while the Algiers agreement enjoined Iran to restore security and trust along its common boundaries with Iraq, and to exercise rigorous control for the purpose of putting an end to all infiltrations of a subversive character, the new régime has violated this fundamental provision only a short while after it assumed authority when it brought over and offered refuge to the leaders of the rebellion (against Iraq), namely, the sons of the agent Barzani, his followers and others who have used Iranian territory, with the explicit support of the ruling authorities in Iran, as a base for threatening and interfering in the internal security and national integrity of Iraq. The Iranian Government itself has never ceased harming the good neighbourly relations between the two countries, conducting acts of infiltration and sabotage, by instigating trouble and dissension, and by committing acts of plunder especially in the frontier areas, contrary to the spirit of the Algiers agreement. The Iranian Government has also violated another

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provision of the said agreement by its repeated encroachments on Iraqi territories as indicated above, by its refusal to return these territories to Iraq in spite of repeated Iraqi demands to this effect, as well as by advancing new territorial claims including even the capital of Iraq, and indeed Iraq as a whole (sic). It is no wonder then that the Iraqi Government now finds itself obliged to exercise its legitimate right to self-defence on sovereignty and territorial integrity and to recover its territories by force, considering that the Iranian Government has barred the way to all legally recognized ways to resolve the issues emanating from its obligations. Furthermore, the Iranian Government has made clear, both by the declarations and actions of its responsible officials, that it has never hesitated, either explicitly or implicitly, to affirm that it no longer considers itself bound by the Algiers agreement.

All this constitutes a flagrant violation of paragraph 4 of the treaty on international boundaries and good neighbourliness concluded between the two countries in 1975. Iran has therefore renounced its international obligations under the agreement and the treaty, thus rendering void the legal relationship governing the Iraqi-Iranian boundaries, and especially in Shatt Al-Arab, which should go back to its State before 6 March 1975, and this river shall again be, as it had always been throughout history, an Iraqi river subject to the full control and sovereignty of Iraq.

In this connexion, the Iraqi Government wishes to declare that in its relations with all the countries of the world it faithfully abides by all its obligations. It has also proved that it cannot accept any threat, aggression or violation of its sovereignty and dignity and that it is willing to make the highest sacrifices in order to preserve its legitimate rights.

The Government of the Republic of Iraq also wishes to affirm on this occasion, as it has done in the past, that it looks forward to maintaining good relations with all the neighbouring States, including specifically Iran, and that it has no territorial ambitions in Iran. Furthermore, Iraq has no intention whatsoever of waging war on Iran or of extending the scope of its dispute with it beyond the limits of defending its sovereignty and legitimate rights. The Iraqi Government sincerely hopes that the Iranian Government will accept the new situation and will act in the light of reason and wisdom with regard to the exercise by Iraq of its legitimate rights in the totality of its land and fluvial territory in Shatt Al-Arab.

Dr. Saadoun Hammadi
Minister for Foreign Affairs
