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LETTER DATED 27 OCTOBER 1980 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a letter addressed to Your Excellency by His Excellency Dr. Sadoun Hammadi, Minister for Foreign Affairs of the Republic of Iraq.

I would kindly request that this letter be circulated as a document of the Security Council entitled "The situation between Iran and Iraq".

(Signed) Salah Omar AL-ALI
Permanent Representative

Annex

Letter dated 24 October 1980 from the Minister for Foreign
Affairs of Iraq addressed to the Secretary-General

On the occasion of the present discussion in the Security Council and, after the Council has had the opportunity to hear the views of Iraq and Iran, on the subject under discussion, I should like to recall once again that Iraq does not have any territorial ambitions in Iran and to reaffirm that we do not desire anything but the restoration of our sovereignty and rights with effective guarantees.

We wish to recall that Iran in reality started the hostilities. Iran committed aggression when it intentionally shelled Iraqi border posts and towns, like Khanaqin and Mendeli with heavy artillery, and resorted to aerial bombardment of towns and economic targets, especially oil targets, and forcibly closed Shatt-al-Arab for navigation.

These Iranian military acts began on the 4th of September 1980. This was the beginning of the war waged actually by Iran against Iraq and not the 22nd of September which is the date on which Iraq exercised preventive self-defence to defend its people and territories. The presence of the Iraqi military forces inside Iranian territories is solely for defensive purposes. After the military attacks of the Iranian forces during the period 4th to 22nd September, it became necessary to push the Iranian forces away from Iraqi towns situated within the range of Iranian heavy and long-range artillery capable of shelling them and which actually shelled them, as we have mentioned, beginning on 4 September 1980.

In order to guarantee our full sovereignty over Shatt-al-Arab, our national river, and to be in a position enabling us to actually exercise that sovereignty, it is imperative to secure the eastern bank of the river after Iran refused to recognize our sovereignty and used force to close it to navigation. Shatt-al-Arab is our only water outlet to the outside world.

In the light of the above-mentioned considerations, the Government of the Republic of Iraq wishes to point out that any call for the withdrawal of Iraqi forces, before Iran recognizes the said Iraqi sovereignty in practice and legally, is in our view a legal and practical impossibility, for Iran has not delimited its borders with Iraq in a precise manner.

The question should be directed to the Iranian Government, "where are Iran's borders in accordance with which the sovereignty of Iraq over its land territories, national and territorial waters is to be defined and respected, as well as the respect for the sovereignty of the other Arab States bordering the Arabian Gulf, which will ultimately lead to the achievement of durable peace and stability in the area?"

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Iran has always, and particularly in recent years, in its actions vis-à-vis Iraq and the other Arab countries bordering the Arabian Gulf on the basis of an expansionist policy, and we have, in addition to the actual practices, documents which prove this fact.

Iranian officials have made statements of a clearly expansionist nature. They have acted in a similar manner at the expense of the Arab States neighbouring Iran or situated near it. It is, therefore, necessary to guarantee the sovereignty and full rights of Iraq and the other Arab countries. When reference is made to the withdrawal of the Iraqi forces, we shall ask at once: but to what borders, and according to which border agreement, shall such a withdrawal take place? How and who would guarantee that Iran, after our withdrawal, will not threaten our cities and national security? What guarantee is there that Iran will refuse again, as it did in the past, to recognize our sovereign rights over our territories and waters? Who will guarantee that Iran will not again wage war on us and the whole problem will start all over again? The lands reached so far by Iraqi forces are the necessary positions for defence until Iran recognizes our rights and guarantees are reached for the achievement of a final and permanent solution to the dispute.

On the basis of military considerations and topography there may be better positions forward for defensive purposes but there are none backward. Consequently, no partial or total withdrawal should be practically contemplated unless it is supported by the achievement of the following:

1. The recognition by Iran of our sovereignty and rights which are in harmony with international law and custom, and its reaffirmation of the principle of the inadmissibility of her acquisition by force of Iraqi territories and those of the neighbouring Arab States in the Arab Gulf and that this should be in word and deed.

2. The withdrawal should be guaranteed by practical arrangements which would make a surprise Iranian military aggression against Iraq materially impossible. In further clarification, we wish to point out that there is no longer any border agreement which delimits the frontiers between the two countries with the exception of the Protocol for the Delimitation of the Turco-Persian Frontiers signed in 1913, the views of Iraq and Iran regarding that Protocol notwithstanding.

Consequently, and on the basis of all these considerations and facts, and from a position of responsibility and in order to reaffirm the principles of right and justice, we believe that the only possible, logical and practical resolution in the present situation which would not undermine the interests of either party is one which includes a cease-fire and immediate negotiations between them under the auspices of the Secretary-General of the United Nations with the goal of achieving a final solution to the conflict, by demarcating the frontiers between the two countries in a final manner, and the withdrawal of both parties from the territories and waters which do not fall within their territorial boundaries according to the frontiers line.

Dr. Sadoun HAMMADI
Minister for Foreign Affairs
of the Republic of Iraq