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LETTER DATED 10 NOVEMBER 1980 FROM THE CHARGE D'AFFAIRES OF THE
PERMANENT MISSION OF IRAN TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

I have the honour to communicate to you herewith the text of the note dated 26 October 1980 from the Ministry for Foreign Affairs of the Islamic Republic of Iran addressed to the Embassy of Iraq at Teheran and to the Ministry for Foreign Affairs of Iraq in reply to the latter's note No. 14024/7/1/5 dated 17 September alleging the unilateral abrogation of the Treaty concerning the State Frontier and Neighbourly Relations between Iran and Iraq, signed on 13 June 1975.

I should be grateful if you would arrange for the text of this letter and the attached note to be circulated as a document of the Security Council.

(Signed) Jamal SHEMIRANI
Chargé d'Affaires

Annex

Note dated 26 October 1980 from the Ministry for Foreign Affairs
of the Islamic Republic of Iran addressed to the Embassy of Iraq
at Teheran and to the Ministry for Foreign Affairs of Iraq

The Ministry for Foreign Affairs of the Islamic Republic of Iran, with reference to note No. 14024/7/1/5 dated 17 September 1980 from the Ministry for Foreign Affairs of Iraq addressed to the Embassy of the Islamic Republic of Iran at Baghdad, wishes to state the following:

The Government of the Islamic Republic of Iran has always respected the Treaty of 12 June 1975 concerning the State Frontier and Neighbourly Relations between Iran and Iraq, the three Protocols annexed thereto and the four supplementary Agreements of 26 December 1975, and it still considers itself bound by the provisions of the above-mentioned instruments.

The Ministry for Foreign Affairs of the Islamic Republic of Iran vigorously protests against the aggressions and inhuman acts of the Government of Iraq, and wishes to stress that it is the Government of Iraq which has violated the provisions of the 1975 Treaty and above all the Protocol concerning Security on the Frontier between Iran and Iraq, particularly by infiltrating agents and armed groups into the provinces of Western Azerbaidjan, Kurdistan, Kermanshah, Ilam and Khuzestan for the purpose of undertaking subversive activities and assisting the counter-revolution. By so doing, the Government of Iraq has violated the internal security of Iran and done serious harm to good neighbourly relations between the two States.

Assuming that from the point of view of the Government of Iraq difficulties had existed with regard to the application and interpretation of the Treaty or the other Agreements concluded, action should have been taken in accordance with article 6 of the Treaty and the Addendum of 26 December 1975, in which the procedures for the settlement of disputes were clearly specified.

In any event, in accordance with article 4 of the Treaty which stipulates that:

"The High Contracting Parties confirm that the provisions of the three Protocols, and the annexes thereto, referred to in articles 1, 2 and 3 above and attached to this Treaty as an integral part thereof, shall be final and permanent. They shall not be infringed under any circumstances and shall constitute the indivisible elements of an over-all settlement ...",

and in accordance with article 5 of the Treaty which reads:

"In keeping with the inviolability of the frontiers of the two States and strict respect for their territorial integrity, the High Contracting Parties confirm that the course of their land and river frontiers shall be inviolable, permanent and final,"

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no provision whatever is made for the right of unilateral abrogation of the Treaty and the Agreements annexed thereto. On the contrary, in conformity with the provisions of the Treaty, no difference of opinion concerning their application can constitute a pretext for announcing their unilateral abrogation.

As has been emphasized on many occasions, from the point of view of the Government of the Islamic Republic of Iran, the Treaty of 13 June 1975 concerning the State Frontier and Neighbourly Relations between Iran and Iraq and also the three Protocols annexed thereto and the Notes exchanged and the Record and Addenda thereto, as well as the four supplementary Agreements signed later on 26 December 1975, of which the instruments of ratification were exchanged on 22 June 1976 - all these agreements having been registered with the United Nations Secretariat in conformity with Article 102 of the Charter of the United Nations under reference nos. 14903 to 14907 - are still in force and binding.
