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LETTER DATED 10 MARCH 1981 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour, upon instructions from my Government, to refer to document S/14379 dated 19 February 1981, containing a letter addressed to Your Excellency by the Chargé d'Affaires of the Permanent Mission of Iran to the United Nations, and its annex, namely, the two notes dated 1 December 1980 and 14 January 1981, respectively, addressed by the Ministry of Foreign Affairs of Iran to the Embassy of the Republic of Iraq in Teheran.

I should like to point out that the texts of the two above-mentioned notes were also addressed by the Embassy of the Islamic Republic of Iran in Baghdad to the Ministry of Foreign Affairs of the Republic of Iraq. Both of these notes were promptly answered by the two notes enclosed herewith.

I should like also to point out that the substance of the two Iranian notes is not new. To begin with, the Iranian Government continues with its deception. In the first note, it has deemed it appropriate to refer to article 4 of the defunct Treaty of State Frontiers of 1975 but with the omission of the most fundamental obligation assumed by the parties thereunder, which read as follows:

"Accordingly, a breach of any of the components of this over-all settlement shall clearly be incompatible with the spirit of the Algiers Agreement".

In the second note, however, no reference whatsoever was made to the said article.

Moreover, once again the Iranian Government attempted to dilute the legal situation by reference to articles 5 and 6 of the said Treaty. Iraq has already had the occasion to deal with this question both in the General Assembly during the last session and in the Security Council. To repeat, articles 4 and 6 are mutually exclusive in the sense that the application of article 6 presupposes the existence of the Treaty through the non-violation of any of its indivisible elements. Article 6, in other words, could only operate when the Treaty still exists, and when the parties disagree on the interpretation or application of technical details thereof. When article 4 is violated, this means that the whole Treaty becomes terminated, as the said article represented the politico-juridical aspects of the package-deal on which the agreement of the parties was based. Any argument to the contrary, makes the provisions of these two articles contradictory and impossible to apply. The continuous Iranian violations of the elements of the Algiers Agreement and the Treaty, mentioned in paragraph 4, and article 4 thereof, respectively, left Iraq, in fact, with no treaty to implement.

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In this connexion, it is significant to recall once again that if the Iranian Government really believes in the peaceful settlement of disputes in accordance with the defunct Treaty, then why did it not have resort to such a mode of settlement with Iraq and opt, instead, to commit aggression against the sovereignty and territorial integrity of Iraq, despite Iraq's repeated reminders regarding the 1975 Treaty?

The outrageous charge contained in the Iranian notes that Iraq committed aggression and inhuman acts against Iran is another allegation to which the Foreign Minister of the Republic of Iraq responded in detail in the General Assembly and the Security Council on 3, 15 and 17 October. A detailed reply is not called for on this occasion because the facts speak for themselves. As for the allegation that Iraq has violated the internal security of Iran and done harm to good neighbourly relations between the two States, it is pertinent to recall two concrete facts. Firstly, what the Iranian Government calls a violation of internal security is, in fact, an attempt to blame Iraq for the struggle of the national Iranian minorities to achieve their national rights in return for their patriotic role against the Shah. Secondly, if good neighbourly relations are so dear to the Iranian Government, then it is legitimate to wonder whether continuous shelling and bombardment of Iraqi towns and villages were in accord with that principle.

Finally, I should like to emphasize that although the untenable arguments and false accusations contained in the Iranian notes have already been refuted on numerous occasions, yet it would seem that the Iranian Government believes that repetition of the same arguments and accusations would, perhaps, make it nearer to the truth. This is, indeed, a mirage, and the Iranian Government should realize by now that its position is neither legally plausible nor helpful for the prevalence of peace in the area.

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

(Signed) Salah Omar AL-ALI
Permanent Representative

ANNEX I

Note sent on 6 December 1980 by the Foreign Ministry of Iraq
to the Embassy of the Islamic Republic of Iran

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Embassy of the Islamic Republic of Iran at Baghdad and, with reference to the Embassy's note No. 1158 dated 3 December 1980, has the honour to reaffirm what was stated in its note sent to the Embassy under reference No. 7/1/4/15639 dated 16 November 1980 and to state the following:

What is stated in the Embassy's note referred to above is not new and has no value from a juridical standpoint after the termination, in word and deed, by the Government of the Islamic Republic of Iran of the Algiers Agreement and the Treaty of 1975. The Government of the Republic of Iraq has stated and reaffirmed its position on numerous occasions in diplomatic notes and international organizations and the Government of the Islamic Republic of Iran bears the full international responsibility for the consequences of its aggression on Iraq.

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ANNEX II

Note sent on 31 January 1981 by the Foreign Ministry of Iraq
to the Embassy of the Islamic Republic of Iran

The Ministry of Foreign Affairs of the Republic of Iraq presents its compliments to the Embassy of the Islamic Republic of Iran at Baghdad and, with reference to the Embassy's note 1206 of 23 January 1981, has the honour to inform it that the Ministry rejects what is stated in the above-mentioned note and has nothing to add in this connexion to its previous notes.
