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LETTER DATED 14 JULY 1982 FROM THE PERMANENT REPRESENTATIVE OF IRAN  
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to acknowledge receipt of the text of resolution 514 (1982) of the Security Council, which I have transmitted to the Ministry of Foreign Affairs of the Islamic Republic of Iran. I have the pleasure to enclose the text of the reply of my Government.

I shall be very grateful if the text of this reply could be circulated as a document of the Security Council.

(Signed) Said RAJAIE KHORASANI  
Permanent Representative of the  
Islamic Republic of Iran

Annex

Position of the Islamic Republic of Iran with regard to the Security  
Council action on the Iraqi war of aggression against Iran

Security Council action on the Iraqi-imposed war on Iran since September 1980 has been inconsistent with the Charter of the United Nations.

Paragraph 2 of Article 24 of the Charter reads:

"In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations."

Paragraph 1 of Article 33 of the Charter reads:

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

Paragraph 1 of Article 37 of the Charter reads:

"Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council."

Paragraph 2 of Article 33 of the Charter reads:

"The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means."

A State Member of the United Nations is bound by its commitment to the Charter to abide by Articles 33 and 37 before it decides unilaterally to resort to armed aggression and occupation in order to resolve a dispute. But in case a State actually does take such a unilateral decision, it is the duty of the Council to condemn that State for not having complied with the Charter, and to demand from it to restore the conditions prevailing before the initiation of aggression and to solve the dispute on the basis of Articles 33 and 37 of the Charter. Failing to do so means that the Council has not acted in accordance with the purposes and principles of the United Nations.

Resolution 479 (1980) of the Security Council fails to recognize that armed aggression and occupation has taken place. It also fails to condemn the aggressor and demand that it restore the conditions prevailing before the initiation of aggression. Therefore, resolution 479 (1980) has no consistency with the Charter. This resolution constitutes an attempt by the Council to give validity to the consequences of the Iraqi armed aggression and to impose upon Iran conditions for achieving peace which are unilaterally in favour of the aggressor.

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The complete silence of the Security Council for almost 22 months, during which the war efforts of the Iraqi forces of aggression were primarily directed against Iranian civilians and economic targets in Khuzistan and western Iran, clearly demonstrates that the Security Council deliberately disregarded its responsibilities under the Charter, in contradiction to Article 39. This meant that the Council was disqualifying itself with regard to the question of the Iraqi aggression against Iran and, consequently, supporting the Iraqi position tacitly.

Resolution 514 (1982) of the Council is in complete harmony with the general thrust of the Council's handling of question, which has so far been the disguised support of the aggressor.

Resolution 514 (1982) deliberately fails to recognize that an Iraqi armed aggression and occupation had been going on for 22 months. It fails to condemn the aggressor for having disregarded Articles 33 and 37 of the Charter. It fails to recognize that the barbaric aggression by Iraq has had severe consequences in terms of crimes against humanity. It also fails to recognize the undeniable right of the Iranian people to punish those war criminals who have been responsible for the destruction and misery that the Iraqi aggression has caused in Iran.

This clearly indicates that the Security Council waited until, in the words of the Iraqi Foreign Minister, Iraq had killed as many Iranians as it wanted, and destroyed as much property in Iran as it had wished, before stepping in to create a shield behind which the war criminals who are ruling Iraq could be safe from the punishment that awaits them.

Such an attitude by the Security Council constitutes a blatant contradiction to the spirit of the Charter and is clearly in violation of Article 24.

Consequently, the Islamic Republic of Iran disassociates itself from any action taken by the Security Council so far with regard to the Iraqi war of aggression against Iran.

We stand ready to co-operate with the Council in case in the future it deems it appropriate to take its responsibilities seriously and deal with the realities existing on the scene.

Obviously, the Council will bear fully the responsibility of any consequences of its negligence to date.

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