



General Assembly

Distr.  
GENERAL

A/37/555  
20 October 1982

ORIGINAL: ENGLISH

---

Thirty-seventh session  
Agenda item 134

CONSEQUENCES OF THE PROLONGATION OF THE ARMED CONFLICT  
BETWEEN IRAN AND IRAQ

Letter dated 19 October 1982 from the Permanent Representative of  
Iran to the United Nations addressed to the Secretary-General

I have the honour to enclose a memorandum containing the views of the Government of the Islamic Republic of Iran regarding the consideration by the General Assembly of agenda item 134. I would appreciate the distribution of this memorandum as an official document of the General Assembly under that item.

(Signed) Said RAJAIE KHORASSANI  
Ambassador and Permanent  
Representative of the Islamic  
Republic of Iran to the United Nations

ANNEX

Memorandum

On September 22, 1982, the Iranian people were alarmed to learn that Iraq had launched a series of air attacks on targets deep within Iranian territory. These aggressive attacks were shortly followed by a massive, armed invasion across the international borders of Iran into the provinces of Bakhtaran, Ilam, and Khuzistan. This was a drastic unilateral escalation by Iraq of existing differences and disputes between the two countries that took the Iranian people and the Islamic revolution completely by surprise.

The people of Iran, who suddenly found themselves engaged in an imposed war, had made it clear after the triumph of the revolution that Iran was going to revise the military role that she had had in the Persian Gulf region, hoping that this would eliminate chances for military adventurism in the area. Progress was being made in reducing the size of the armed forces and major contracts for the purchase of large quantities of some of the most sophisticated weapons were cancelled.

Although reports had been circulating for months before the Iraqi invasion actually took place, that Iraq was massing its forces along the borders of Iran, yet, the Iranian people could not believe that the regime of Iraq, which insisted through its propaganda that it was the bastion of anti-imperialism in the Middle East, would ever attack the only people in the region that had so tenaciously struggled in order to free themselves from subordination to imperialism .

Prior to her armed invasion of Iranian territory, Iraq had on September 17, 1980, unilaterally abrogated the 1975 Treaty of State Frontiers and Good Neighborliness with Iran, making territorial claims in the Arvand Roud (Shatt-al-Arab) region and elsewhere. This unilateral action was a violation of the spirit and letter of that treaty, signed by the present Foreign Minister of Iraq. Article 5 of the treaty states the following:

"Within the framework of the inviolability of frontiers and full respect for territorial integrity of states, the high contracting parties reaffirm that their frontier lines, both on land and in the rivers, are inviolable, permanent and final." (unofficial translation)

Iraq tried to justify her invasion of Iranian territory by claiming that she was regaining the rights that the 1975 treaty had given to Iraq, and which Iran had failed to respect. This also was a violation of the above treaty, Article 6 of which clearly states that in case of disagreement pertaining to interpretation or application of the treaty, the disagreement must be resolved first by direct bilateral negotiations between the two parties, and if unsuccessful, then, through the good offices of a third friendly country, and finally, by arbitration.

Iraq's unilateral and premeditated resort to the use of force

/...

in trying to resolve her disputes with Iran was also a violation of the Charter of the United Nations, and specifically, paragraph 1 of Article 33, and paragraph 1 of Article 37. Paragraph 1 of Article 33 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 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."

It was obvious for the people of Iran that Iraq, not having exhausted peaceful means available to her to resolve her differences with Iran, was using force not to regain any alleged rights, but to take advantage of the post-revolutionary transitional period that Iran was passing through in order to make territorial conquests, engage the young revolutionary forces of Iran in war, and eventually weaken the revolution to the point of destruction.

As Iraq's actions constituted a major threat to the independence and territorial integrity of Iran, as well as to peace and security in the whole region of the Persian Gulf, the Iranian people expected the international community to intervene to restore justice and to terminate the threat to peace and security in the area.

The Security Council adopted on September 28, 1980 resolution 479 (1980), which completely disappointed the people of Iran. They had expected the Security Council to remain faithful to its obligations and grave responsibilities under the Charter, but this did not happen.

A state member of the United Nations is bound by its commitment to the Charter to abide by Article 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.

Resolution 479 (1980), by addressing the victim and the aggressor identically, failed to recognize that armed aggression and occupation had taken place, and consequently, it failed to condemn the aggressor and demand that it withdraw from territories occupied by force and restore the conditions prevailing before the initiation of aggression.

Resolution 479 (1980) not only did not fulfill the expectations

/...

of the victimized people of Iran, but, to them, it represented an abandonment by the Security Council of their legitimate rights, and also, an attempt by the Council to recognize the status quo on the war fronts, thus giving validity to the consequences of the Iraqi armed aggression and to impose upon Iran a cease fire that was unilaterally in favour of Iraq.

The people of Iran had no alternative but to reject Resolution 479 (1980) of the Security Council because a resolution that could make the aggressor perfectly happy, could in no way, be in favour of the rights of the victim. The Iranian people have since been determined to reject any attempt to impose upon Iran a concessionary settlement, because this would only mean rewarding the aggressor government of Iraq for its aggression against Iran, and thus, giving Iraq an incentive for the prolongation and repetition of aggression in the future.

For almost 22 months, when Iraq was occupying large territories in Iran and the Iraqi leadership felt secure from any backlash of their aggression, the people of Iran witnessed a deadly silence on the part of the international community while Iraq continued its war of annihilation against Iran's civilian population in Bakhtaran, Ilam and Khuzistan, and the non-military institutions and installations in these provinces. Within these 22 months, the Iranian people were able, with the grace of God, to push the Iraqi forces of aggression back and liberate most of the occupied Iranian territories with tremendous sacrifices. With the liberation of Khorramshahr, Iraq discovered that the position of strength that she thought she had, did not in fact exist, which meant that she would eventually be pushed out of the remaining territories she still occupied. The people of Iran expected at this stage, that the international community would be relieved that Iran was finally succeeded in eliminating one of the biggest obstacles to peace. But again, this did not happen. The revival of the activity of the Security Council with regard to the Iraqi war of aggression turned out to be only an expression of concern for Iraq. Resolution 514 (1982) of the Security Council failed to recognize that an Iraqi armed aggression and occupation had been going on for 22 months, It also failed to condemn the aggressor for having disregarded Articles 33 and 37 of the Charter, and avoided any reference to the deliberate destruction by Iraq of all towns, villages, roads, farms and all other means of life within the areas under their occupation and within the range of their artillery. It also failed to recognize that the barbaric behaviour of Iraq in the occupied territories, constituted grave crimes against humanity, for which the Iranian people had an undeniable right to seek justice and reparations. But Resolution 514 (1982) did not fail to attempt to create a shield behind which the criminal government of Iraq could be protected. It was therefore obvious that the people of Iran would reject Resolution 514 (1982) as well. Resolution 522 (1982) of the Security Council was also rejected for the same reasons.

The government of the Islamic Republic of Iran has repeatedly stated its desire for establishing a just and lasting peace in the Persian Gulf region. This does not mean that anything labeled as peace will be

acceptable for Iran. A lasting peace is different from one that would only be used by the adventurist government of Iraq for reorganization and rearmament for the next round.

The 1975 treaty that Iranian thought would bring disputes with Iraq to an end, was used by the same leadership that signed it, and is still ruling in Iraq, to reorganize forces and wait for the favourable opportunity to launch a war of aggression. The revolutionary people of Iran have sacrificed tremendously in order to push the Iraqi forces of aggression out of most of the territories they had under occupation. They have every right to expect irrefutable guarantees that they will not face Iraqi aggression in the future. The international community, by ignoring the rights and aspirations of the Iranian people will only alienate itself from the realities existing in the Persian Gulf region. Any serious attempt of the international community to assist in restoring peace to the area necessitates first, regaining the credibility that it has lost among the people of Iran. This can be achieved when the international community begins to deal with the realities of the Iran-Iraq conflict.

Iraq has demonstrated so far that she is not interested in a lasting peace. She has followed systematically a policy of misleading the international community by trying to keep the issue within the limits of distorted propaganda. Such policy has only been helpful to convince the people of Iran of the insincerity of the leadership of Iraq in seeking a just and lasting peace.

A resolution, to be fair and just, must reflect the realities that have existed on the scene between Iran and Iraq. The model resolution that the Islamic Republic of Iran would propose, would read as follows:

The General Assembly

- Having considered the item entitled "the consequences of the prolongation of the armed conflict between Iran and Iraq".
- Reaffirming the inadmissibility of the use or threat of force in international relations.
- Recalling the obligation of states under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.
- Recalling the commitment of states to abide by the provisions of the Charter, and specifically Articles 33 and 37, in resolving their disputes.
- Reiterating the right of all states to self defence as recognized in Article 51 of the Charter.
1. Condemns Iraq for having initiated armed aggression in its dispute with Iran before the exhaustion of all peaceful means available within the framework of the Charter.
  2. Deplores the occupation of Iranian territory by Iraq and the attempt of Iraq to use that illegal occupation to extract political concessions.

/...

3. Also condemns Iraq for having concentrated her war efforts, for almost two years, primarily on civilian life in Iran, resulting in abhorring crimes against humanity in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of war, of 12 August 1949.
4. Reaffirms the right of the people of Iran to receive reparations for the losses in life and property inflicted upon them by Iraq's aggression, and the duty of Iraq to assist in restoring all civilian installations that she deliberately destroyed in the territories under her illegal occupation.
5. Calls upon Iran and Iraq to end all military operations to resolve their disputes by peaceful means, in accordance with the provisions of the Charter.
6. Welcomes the efforts of the Secretary General to mediate between the two countries and invites him to continue his efforts of mediation.

-----