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DEVELOPMENT AND STRENGTHENING OF GOOD
NEIGHBOURLINESS BETWEEN STATES

SECURITY COUNCIL
Thirty-eighth year

Letter dated 5 May 1983 from the Permanent Representative of Iraq
to the United Nations addressed to the Secretary-General

I have the honour to refer to the note verbale dated 20 April 1983 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, contained in document A/38/163-S/15723, and to state the following:

"As is well known, the Regional Organization for the Protection of the Marine Environment, which embraces all the States of the Arabian Gulf, has held an extraordinary session in order to consider the subject of pollution arising from the spillage of oil from certain Iranian wells. That spillage comes from two sources; the first is the well known as Noruz 3, which collapsed when a merchant cargo vessel collided with it, and the second those wells which caught fire as a result of military operations in the area.

"A merchant cargo vessel collided with the well Noruz 3 on 27 January 1983 without there being any involvement on the part of Iraq. Iran made no comment on the pollution arising from the collapse of that well until a long time had elapsed, thereby contravening the obligation imposed upon it by the Kuwait Regional Convention on Co-operation for the Protection of the Marine Environment from Pollution to inform the Council of the Regional Organization for the Protection of the Marine Environment immediately of pollution resulting from accidents.

"Iraq has previously declared that area to be a zone of military operations in which all activity is prohibited. This declaration is, of course, in conformity with the rules of international law which are applicable

* A/38/50.

in times of armed conflict and which have the object of limiting the suffering caused by such conflicts and sparing mankind the consequences to which military operations might give rise. Such a consequence is the pollution which has resulted from the refusal of others to be bound by that declaration. All this has forced Iraq to oppose all activities undertaken by Iran in that area, including the exploration of oil.

"Iraq was forced to issue the declaration because of Iran's obstinacy and its insistence on continuing the aggression which it began against Iraq on 4 September 1980. This position adopted by Iraq was based on the legitimate right of States to self-defence in accordance with Article 51 of the Charter of the United Nations.

"The party truly responsible for the pollution taking place in the Gulf is Iran. This is so because of its rejection of all the peace proposals advanced by Iraq and of all international mediation efforts aimed at bringing about peace between the two States, whether within the framework of the United Nations, the Non-Aligned Movement, the Organization of the Islamic Conference or of other international efforts.

"Accordingly, the problem of pollution in the Arabian Gulf arising from the spillage of Iranian oil is not a technical problem, as it is in those cases of pollution which have occurred and which continue to occur in other areas as a result of accidents. It is rather one of the consequences of the war which Iran insists on continuing to wage contrary to the desire and against the interest of the peoples of the region and international public opinion as a whole.

"This problem, even if it is now taken in hand, is likely to recur at any time as long as military operations continue. It cannot, therefore, be dealt with within a technical framework alone. Moreover, the technical authorities which have studied the subject and which have made gratifying efforts in determining its nature, its effects and the technical means for tackling it, are not, in themselves, capable of laying the appropriate groundwork for the solution of such a problem, containing, as it does, extremely sensitive political and military elements.

"The Iraqi delegation to that session demonstrated a flexibility entirely in keeping with logic, the rules of international law and the authority of the United Nations. For, over and above Iraq's continued appeals for peace and the continued insistence of Iran on aggression, Iraq has agreed to a partial cease-fire under United Nations supervision for the purpose of repairing the wells from which the oil is spilling.

"However, the position of the Iranian delegation to the Kuwait talks was, in contrast, full of lies and manoeuvres. This delegation rejected the reasonable and natural premises placed before it for the solution of the problem and insisted that Iraq should suspend its military operations in the area and that Iran should act alone in the area of the well without supervision or guarantees to prevent its exploitation of the situation for

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other purposes. This is a peculiar position, based on neither logic nor custom, and its fundamental objective is the continuation of the destruction of Iraqi economic installations and the deprivation of Iraq of its natural right to export its oil from the ports of the Gulf.

"Iraq has adopted this position, which involves sacrifice because of its negative effect on the balance of power in the struggle between it and Iran, in response to the appeal of its Arab brothers in the Gulf and out of concern for their interests and the interests of the international community. If it were not for the fact that such interests were connected with the issue and the fact of Iraq's concern for them, the natural position for Iraq to adopt, and that in keeping with the right of self-defence, would be insistence on not allowing the Iranian régime to repair the wells, in order to cause it and its interests the greatest and most extensive damage possible, in return for its aggressive policy and its insistence on prolonging the war.

"Iraq, on the basis of its position of principle and out of a sense of responsibility towards the peoples of the region and of the world, declares once again its readiness, under interational supervision, to suspend military operations in the area, even on all battlefronts with Iran, and to contribute in a positive and effective manner to the solution of the problems of the region and the elimination of all dangers from it.

"Iraq has accepted the United Nations cease-fire resolutions and all of the international mediation efforts, and it is now up to Iran to comply with the will of the international community and reconsider its conduct, which is incompatible with the most elementary rules of law, so that the peoples of the region may live in peace and turn their attention to constructive endeavour under the protection of the law."

I request you to be so kind as to arrange for the present communication to be circulated as an official document of the General Assembly, under item 64 of the preliminary list, and of the Security Council.

(Signed) Riyadh S. AL-QAYSI
Ambassador and Permanent Representative
of Iraq to the United Nations
