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LETTER DATED 23 DECEMBER 1988 FROM THE PERMANENT REPRESENTATIVE
OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

I have the honour to enclose herewith the text of the letter of His Excellency Dr. Ali Akbar Velayati, Minister of Foreign Affairs of the Islamic Republic of Iran, dated 15 December 1988 addressed to Your Excellency, concerning the Iran-Iraq talks in Geneva.

It would be highly appreciated if this letter and its annex were circulated as a document of the Security Council.

(Signed) Mohammad Ja'afar MAHALLATI
Ambassador
Permanent Representative

Annex

Letter dated 15 December 1988 from the Minister of Foreign Affairs
of the Islamic Republic of Iran addressed to the Secretary-General

Almost four months have elapsed since a cease-fire was established between Iran and Iraq under United Nations auspices and in accordance with paragraph 1 of Security Council resolution 598, which demands, under Articles 39 and 40 of Chapter VII of the United Nations Charter that:

As a first step toward a negotiated settlement, Iran and Iraq observe an immediate cease-fire, discontinue all military actions on land, at sea and in the air and withdraw all forces to the internationally recognized boundaries without delay.

In order to "verify, confirm and supervise the cease-fire and withdrawal", a United Nations observer team has been stationed in the area; a team that has not been enabled, for the past four months, to begin to fully discharge its mandate.

It is evident from the text of the resolution, as well as the commonly accepted norms of international law and the purposes and principles of the United Nations enshrined in Article 2 of the Charter that following a cease-fire, withdrawal to the internationally recognized boundaries is "the most prominent" step which requires action by the parties. Accordingly, the timetable for the implementation of resolution 598 presented by Your Excellency to the parties in July and August 1988 has underlined the prominence and priority of withdrawal.

Four days before the commencement of cease-fire, in papers presented to both parties on 16 August 1988, Your Excellency once again underlined the priority and urgency of withdrawal to the internationally recognized boundaries:

The Armed Forces of two sides will also begin the withdrawal from each other's territory to the internationally recognized boundaries, i.e., those of the Algiers Agreement, as of the beginning of direct talks in Geneva under my auspices and will complete it without delay.

The legal and practical prominence and priority of withdrawal to the internationally recognized boundaries has been reiterated repeatedly by Your Excellency and by the President of the Security Council in his statement of 25 October 1988.

This approach adopted by the Secretary-General of the United Nations and the President of the Security Council is indicative of the fact that withdrawal is a mandatory first step which must be implemented without delay or reservation. In fact, according to paragraph 1 of resolution 598, cease-fire and withdrawal must be complied with as "a first step towards a negotiated settlement." Therefore, withdrawal which is an inseparable part of this mandatory first step is prior to and independent of any negotiation.

Not only Iraq has failed to withdraw from Iranian territory by resorting to delaying tactics and introduction of extraneous issues as well as rejection of all proposals and frameworks, presented by the Secretary-General and his personal Representative, but also it has tried to extend the scope and strengthen the force of its occupation. Since 20 August 1988, Iraq has, on 13 occasions, advanced into Iranian territory, occupying a total of 113 square kilometres. During the same period, it has reinforced its troops inside Iranian territory on at least 52 different occasions. Moreover, 152 instances of fortification of positions inside Iranian territory have been registered. During the same period, Iraqi forces have illegally captured, inside Iranian territory, 734 Iranian civilians and military personnel.

These and other violations of the terms of cease-fire, which have been brought to Your Excellency's attention in detail, clearly and unambiguously illustrate the real intentions of Iraq and the underlying reasons behind its delaying tactics.

On the other hand, the Islamic Republic of Iran, following its acceptance of resolution 598 and before the commencement of cease-fire, withdraw from Iraqi territory that it had under its control, while at the same time showing its sincerity in New York and Geneva by co-operating with the Secretary-General and reacting in good faith to all proposals presented by the Secretariat.

The most recent proposal of the Secretary-General presented officially to both parties on 1 October 1988, which has since received the support of the Security Council, was accepted by the Islamic Republic of Iran as the framework. At the same time, Iraq, in continuation of its policy of procrastination, refused to accept the Secretary-General's plan. In order to preserve the authority of the Organization and the integrity of the process of implementing resolution 598, the four point plan of the Secretary-General, which addresses the concerns of Iraq outside the resolution, while naturally giving priority to withdrawal to the internationally recognized boundaries, cannot be further modified and/or turned into a new basis for negotiation in order to satisfy Iraqi intransigent positions.

The Islamic Republic of Iran maintains its position of co-operation with Your Excellency and your personal Representative within this framework in a process leading to full and rapid implementation of resolution 598 of which withdrawal is the most prominent and urgent element. It is evident, however, that this trend of co-operation on one side and refusal and procrastination on the other cannot be allowed to continue.

The Islamic Republic of Iran accepted to enter direct talks only after it received strong assurances from the Secretary-General of the United Nations that the implementation of the remaining elements of the resolution would proceed on the basis of the timetable presented in July and August. Regrettably, this has not materialized in the past three rounds of talks due to the introduction of extraneous elements by Iraq; a derailment that has to be corrected without further delay. In this context, it should be noted that in accordance with paragraph 10 of resolution 598, the Security Council has committed itself to take further steps to ensure compliance with the resolution.

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It would be highly appreciated if this letter were brought to the attention of members of the Security Council.

Ali Akbar VELAYATI
Minister of Foreign Affairs
of the Islamic Republic of Iran

