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ARMED CONFLICT BETWEEN IRAN AND IRAQ

SECURITY COUNCIL
Thirty-eighth year

Letter dated 1 November 1983 from the Permanent Representative of
Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a statement of the official position of the Government of Iraq on Security Council resolution 540 (1983), adopted on 31 October 1983. I should be most grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 138, and of the Security Council.

(Signed) Riyadh AL-QAYSI
Permanent Representative

ANNEX

The Iraqi Government has co-operated and continues to co-operate in all sincerity with the Security Council with a view to arriving at a just and honourable resolution of the conflict with Iran. The Iraqi Government has accepted the resolutions adopted by the Security Council, namely, 479 (1980) of 28 September 1980, 514 (1982) of 12 July 1982 and 522 (1982) of 4 October 1982. It therefore welcomes resolution 540 (1983), adopted by the Security Council yesterday, 31 October 1983.

We wish, in particular, to make the following comments:

1. The Iraqi Government wishes to recall that it has always called upon the Iranian side to refrain from hitting civilian targets and warned of the consequences of persisting in such action. It also previously invited the Iranian side to conclude a special agreement, under the auspices of the United Nations or other international bodies, to refrain from hitting civilian targets.

The Iraqi Government therefore welcomes paragraph 2 of the resolution and declares its readiness to be bound by it. What is required, at the same time, is the commitment of the other party, together with Security Council guarantees and within an effective framework of supervision and verification of strict implementation and compliance. The Iraqi Government also stresses that compliance with the Geneva Conventions of 1949 is of the utmost necessity and draws attention, in particular, to the persistent violation on the part of the Iranian Government of the third Geneva Convention in respect of the treatment of Iraqi prisoners of war.

2. The Iraqi Government accepts paragraph 3 of the above-mentioned resolution. However, this acceptance will, quite naturally, be contingent upon acceptance by the other party and its full and sincere readiness to be bound by it and to implement it without raising any obstacles. Should the other party reject the resolution adopted by the Security Council or accept it and then refuse to implement it sincerely and strictly, the Iraqi Government reserves the right to take such steps as it deems necessary to safeguard and protect Iraq's vital interests and to defend them by all possible means, if the other party persists in damaging them through any actions or measures that lead to Iraq's being deprived of its natural right to enjoy freedom of navigation in the region of the Gulf and the Strait of Hormuz and in the sea-lanes leading thereto and the use of the ports and waterways thereof for all purposes. The Iraqi Government wishes to stress, in particular, that one of the urgently necessary measures that should be taken under the resolution is the clearing of the Shatt al-Arab and the restoration of its navigability. The Iraqi Government stresses the need for the Secretariat of the United Nations to take on this task directly or through one of the specialized agencies or the other related international organizations, so that the resolution may be implemented comprehensively and all the parties concerned may benefit therefrom in a balanced manner.

3. The Iraqi Government is ready to co-operate with the Secretary-General of the United Nations with a view to finding an effective system for ensuring a cease-fire and for ensuring that all the parties concerned benefit in a balanced manner from its results, in implementation of the provisions of paragraph 4 of the resolution.

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4. On the basis of what is stated above and because the Iraqi Government has, on all occasions, stressed its readiness to enter into negotiations with a view to arriving at a just and honourable solution acceptable to both parties, it welcomes paragraph 1 of the above-mentioned resolution, welcomes the efforts which the Secretary-General proposes to take to this end and hopes that these efforts will be effective and continuous, in accordance with paragraph 7 of the resolution.

5. The Iraqi Government has striven and strives for the maintenance of peace and security at the regional and the international levels. This is evidenced by its constant emphasis on and successive calls for the settlement of the conflict with Iran by peaceful means in accordance with the principles of the Charter and the provisions of international law. The Iraqi Government hopes, therefore, that the other party will respond to the Council's call, set forth in paragraph 5, and express its full readiness to implement the resolution sincerely. In this connection the Iraqi Government warns in advance against any attempts at a partial implementation of the resolution, because its acceptance of the paragraphs set forth therein and its favourable reception of the resolution generally are based solely on the premise that the resolution is an integrated and indivisible whole, with regard both to the substance and to the timing and procedures for the implementation of all its paragraphs and, in particular, on the premise that all the parties concerned shall benefit from its implementation immediately and in a balanced manner.
