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LETTER DATED 11 DECEMBER 1983 FROM THE PERMANENT REPRESENTATIVE  
OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED  
TO THE SECRETARY-GENERAL

I have been instructed to convey the text of the position of the Ministry of Foreign Affairs of the Islamic Republic of Iran regarding Security Council resolution 540 (1983).

I would appreciate if the attached text could be distributed as a document of the Security Council.

(Signed) Said RAJAIE KHORASSANI  
Ambassador  
Permanent Representative

Annex

When the Government of the Islamic Republic of Iran was informed of the intention of the Security Council to meet on the question of the Iran/Iraq conflict, it was obvious that this would be yet another exercise by the Council to adopt a resolution in favour of the Iraqi aggressor. However, we were assured by certain members of the Council that there was an understanding that the past record of the Security Council must be corrected if positive results were to be obtained.

We decided to respond positively and demonstrated our goodwill so that the Islamic Republic of Iran would not, by any chance, be responsible for aborting such a possibility. In spite of the appreciable sincerity and goodwill of certain members of the Council towards the need to establish a just and lasting peace, the Council's action remained in the same unbalanced tradition that it has followed since the beginning of the Iraqi war of aggression.

Resolution 540 (1983), adopted by the Security Council on 31 October 1983, like previous resolutions, provides a shield to protect Iraq from the consequences of its war of aggression and innumerable crimes against humanity while neglecting the prerogative of the people of Iran, who have suffered greatly because of Iraqi adventurism, to acquire their lawful rights.

We, therefore, consider resolution 540 (1983), as it stands, to be unconstructive and isolated from the facts and realities of the situation, and hence devoid of practicability for the following reasons.

Paragraph 2 calls for the immediate cessation of all military operations against civilian targets. While the Islamic Republic of Iran welcomes such calls in general because of our strict adherence to Islamic moral codes, nevertheless, in the case of the conflict between Iran and Iraq, since the only party that violates international humanitarian law and attacks civilian targets is Iraq, the paragraph would have been more relevant if Iraq had been condemned for all its past violations of the law and then called upon directly to respect its international commitments and refrain from any military operations against civilians.

Paragraph 3 does not specify which gulf is being addressed and, therefore, is of a very general nature and hence superfluous to the resolution. But as regards the affirmation by the Council in this paragraph of the right of free navigation and commerce in international waters, calling on all States to respect this right, we would like to remind the international community that the Islamic Republic of Iran has from the beginning of the war guaranteed freedom of navigation in the Persian Gulf and has reaffirmed on numerous occasions its respect for this right within the framework of international law. But it is necessary to clarify that freedom of navigation is possible only under conditions of security and that in the case of the Persian Gulf it is impossible to isolate the security of one littoral State from the security of others. Therefore, if a regional or non-regional State threatens the security of the Islamic Republic of Iran in the Persian Gulf, it is automatically threatening the security of the region as a whole. The Islamic Republic of Iran has never committed any act of violence threatening the security

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or freedom of navigation in the Persian Gulf. On the contrary, the Islamic Republic of Iran has been the victim of numerous Iraqi acts of aggression in the Persian Gulf and has so far demonstrated a high degree of restraint vis-à-vis such Iraqi provocations. If the Security Council is truly interested in security in the Persian Gulf, it should have called on Iraq to refrain from any act of violence that could eventually lead to the disruption of free navigation. The Council should also have called on the supporters of Iraq not to provide the sophisticated means by which the adventurist régime of Iraq could recklessly internationalize the Iran/Iraq conflict.

The case of free navigation in the Shatt-al-Arab waterway should be considered on its own merits and should not be confused as an extension of the case of free navigation in the Persian Gulf. The Shatt-al-Arab was closed to navigation as a result of direct and deliberate armed aggression by Iraq against the Islamic Republic of Iran and the Iraqi invasion and occupation of Iranian territory in blatant violation of international law and the provisions of the Charter of the United Nations. Iraq not only did unilaterally abrogate its bilateral treaty with the Islamic Republic of Iran, regulating navigation in the river, but deliberately destroyed Iran's major port facilities in Khorramshahr during the period of its occupation and thus rendered the river useless to Iranian navigation. Therefore, the reopening of the Shatt-al-Arab to navigation remains meaningless until Iranian capabilities to use the river for navigational purposes are restored. It must be noted that the Iraqi port facilities in Basrah have been within the range of Iranian fire for more than a year and had it not been for our strict adherence to the moral codes of Islam concerning conduct during war, Basrah would have been razed to the ground.

Paragraph 4 concerns sustaining and verifying the cessation of hostilities between Iran and Iraq. It must be emphasized that what is going on in the region cannot be termed "hostilities". It is a most painful defensive war of liberation on the part of the Islamic Republic of Iran, the whole purpose of which is to reverse the consequences of the war of aggression initiated by Iraq and to destroy its manifestations. The international community abandoned the people of the Islamic Republic of Iran when they were victimized by Iraq's armed aggression and were left to struggle to regain their rights on their own. Any attempt by the Security Council to create a machinery which would shield Iraq from reaping the fruits of its own treacherous aggression against the people of the Islamic Republic of Iran would constitute a clear encouragement for the aggressor by allowing it to shed its responsibilities regarding the aggression it has committed and would only give it the desperately needed space and opportunity to resupply and reorganize for further acts of aggression. It is obvious that the Charter does not give the Security Council any mandate to this effect. As a result, the Government of the Islamic Republic of Iran believes that paragraph 4 deals with the issue in a very superficial manner and does not contain any positive element that may lead to a just and durable peace.

Paragraph 5 does not specify the geographical region concerned and, therefore, we consider it irrelevant.

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The Government of the Islamic Republic of Iran believes that Iraq intends to threaten the security of the Persian Gulf as well as to continue its attacks on civilian targets in the Islamic Republic of Iran and may attempt to use resolution 540 (1983) as a shield to cover its guilt. Thus, the Security Council should bear full responsibility for having provided Iraq with such a cover, leading to the aggravation of the situation.

Because of the above reasons, the Government of the Islamic Republic of Iran considers resolution 540 (1983) to be biased in favour of the aggressor just as the previous resolutions of the Council on the Iran/Iraq conflict were. The best proof for the biased nature of the Council's actions is the fact that unlike all other resolutions adopted by the Council regarding acts of aggression in different parts of the world, the Council resolutions on the Iran/Iraq conflict are the only resolutions which have been prepared with full co-ordination with the aggressor State - Iraq - and are supported full-heartedly by Iraq, while the Islamic Republic of Iran, the victim, has never found any of its concerns reflected in any of the resolutions adopted by the Council. It appears that the Security Council, in dealing with the Iran/Iraq conflict, functions on the basis of a different Charter of the United Nations from the one to which Iran has adhered.

The method by which resolution 540 (1983) was adopted also casts doubt on the sincerity of the Council. The haste in which the resolution was adopted, on the last day of the Presidency of the representative of Iraq's primary ally in its war of aggression against Iran, a move that was strongly supported by a permanent member, which incidentally is also a strong ally of Iraq in the war, has only weakened the usefulness and applicability of the resolution, as was also expressed by members of the Council in their statements on the item.

As for the mandate given to the Secretary-General in resolution 540 (1983), the Government of the Islamic Republic of Iran believes that since the inoperative and impractical nature of the resolution is quite evident, the mandate contained in paragraph 1 achieves no purpose but to exert unjustifiable pressure upon the Secretary-General.

The Government of the Islamic Republic of Iran remains ready to continue its co-operation with the Secretary-General but believes that any efforts of mediation in the conflict would stand a much better chance of positive achievement when the Security Council modifies its biased position which is in favour of Iraq, the aggressor.

The Government of the Islamic Republic of Iran, therefore, has no alternative but to continue its previous policy and dissociate itself from resolution 540 (1983) of the Security Council.

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