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LETTER DATED 7 AUGUST 1989 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you
herewith the statement issued by the Ministry of Foreign Affairs of the Republic of
Iraq on the occasion of the first anniversary of the agreement of 8 August 1988.

I should be grateful if you would have this letter and its annex circulated as
a document of the Security Council.

(Signed) Ali Mahmoud SUMAIDA
Ambassador
Chargé d'affaires a.i.

Annex

STATEMENT ISSUED BY THE MINISTRY OF FOREIGN AFFAIRS OF IRAQ
ON THE OCCASION OF THE FIRST ANNIVERSARY OF THE AGREEMENT
OF 8 AUGUST 1988

1. Today, one full year elapses since the agreement of 8 August 1988 under which Iraq and Iran agreed, through the Secretary-General of the United Nations, on a cease-fire and on direct talks in order to reach a common understanding of the implementation of the provisions of Security Council resolution 598 (1987) and the procedures and timings relating to its implementation. Following that historic agreement, the cease-fire entered into force officially on 20 August 1988, and negotiations between the two parties under the auspices of the Secretary-General began on 25 August 1988 at Geneva. The war of aggression and expansion that the Iranian régime began to wage against Iraq on 4 September 1980, and which continued for eight years, thereby came to a halt. One year having passed since the agreement of 8 August 1988 and the entry into force of the cease-fire, it is fitting that the international community should assess the outcome of that year as it relates to the achievement of the objectives of the international community and the Security Council in adopting resolution 598 (1987) as a comprehensive peace plan. For such an assessment to be objective and precise, certain basic facts relating to the position both before and after the agreement of 8 August 1988 must be recalled.

2. The Iranian régime commenced the war against Iraq on 4 September 1980 motivated by an aggressive and expansionist ideology which adopted as its major goal the domination of Iraq and the Arabian Gulf region as a preliminary step towards imposing domination, intimidation and blackmail on the Arab nation and the world and, in particular, the Islamic world. Throughout the eight years of the war, Iran persisted in rejecting any appeal or resolution calling for peace issued by the Security Council and all other international bodies striving to end the war and bring about peace. Iran rejected Security Council resolutions 479 (1980), 514 (1982), 522 (1982), 540 (1983), 582 (1986), and 588 (1986), just as it also rejected the resolutions of the Movement of Non-Aligned Countries and the Organization of the Islamic Conference. When the Security Council adopted its resolution 598 (1987) on 20 July 1987, Iran did not accept it and continued the war, the acts of aggression and the invasion of Iraqi territory throughout the subsequent period. During that period, it used methods of duplicity and deception in order to pursue its aggressive and expansionist programme and evade the sanctions which resolution 598 indicated would be imposed on the party which refused to comply with that resolution. The Iranian régime accepted the aforementioned resolution nearly one year after its adoption, namely on 18 July 1988, after the aggressive and expansionist Iranian programme had been roundly defeated and Iraq had succeeded in liberating the territory that the Iranian side had persisted in occupying for a number of years and had made into a staging area for further occupation and expansion.

3. Although Iraq was fully aware of these facts, it treated Iran's acceptance of Council resolution 598 (1987) in a realistic and responsible manner and immediately began to explore the most propitious means of embarking on the implementation of the resolution, which it viewed as a peace plan. On 20 July 1988, Iraq addressed a letter to the Secretary-General of the United Nations in which it called for the holding of direct, official meetings between duly authorized representatives of the two parties, under the auspices of the Secretary-General, in order to discuss the implementation of the aforementioned resolution. That proposal was made in a sincere desire to ascertain the true intentions of the Iranian leaders in accepting resolution 598. This was on account of the nature of the statements made by them with respect to their acceptance of the resolution, which were full of talk of pressing circumstances and coercion and of sorrow and disappointment, to say nothing of some peculiar interpretations of the letter and spirit of the resolution, incompatible with international law, put forward by the said leaders prior to their acceptance of the resolution.

4. When consultations were held between representatives of the two sides and the Secretary-General of the United Nations in New York in the period immediately following, the Iranian side refused to enter into a direct dialogue with Iraq under the auspices of the Secretary-General on the implementation of resolution 598. It launched into a tendentious propaganda campaign against the direct dialogue approach and alleged that Iraq was proposing such an approach as a precondition for the cease-fire. It did so despite the fact that Iraq's call for direct dialogue under the auspices of the Secretary-General of the United Nations had never been a precondition for the cease-fire but was rather an expression of its seriousness and sincerity with respect to the implementation of the resolution as a peace plan. It is also abundantly clear that direct dialogue between conflicting parties is a procedure for the resolution of conflicts firmly established in international affairs and would not secure for Iraq any unilateral interest at the expense of Iran.

5. As an expression of Iraq's genuine desire for peace, as a mark of respect for the hopes of the international community for a halt to the war and in order to prevent the Iranian régime from hampering the chances for peace, President Saddam Hussein, on 6 August 1988, announced that Iraq was prepared to observe a cease-fire if Iran would declare clearly and unequivocally and in an official manner its agreement to enter into direct negotiations following the cease-fire so that "we may discuss, agree on and implement all provisions over and above those relating to the cease-fire contained in Security Council resolution 598, from withdrawal to the internationally recognized boundaries and up to paragraph 8, inclusive, and all of the other operative paragraphs". The President also stated on that occasion: "Naturally, we maintain that we will utilize the Shatt al-Arab, in accordance with our established rights, as well as the Arabian Gulf, in accordance with international law, immediately the cease-fire takes effect."

6. Following that historic proclamation, intensive contacts were established with the Secretary-General of the United Nations and, on 8 August 1988, agreement was reached between Iraq and Iran, through the intermediary of the Secretary-General,

on the timing of the entry into force of the cease-fire and on the form and tenor of the direct negotiations. This was embodied in a letter from the Secretary-General addressed to the Permanent Representatives of the two countries in New York, in the following terms:

"Excellency,

"In pursuance of the official contacts I had with Iraq and the Islamic Republic of Iran, I should like to inform you that both governments have agreed that direct talks between their Foreign Ministers shall be held under my auspices, immediately after the establishment of the ceasefire, in order to reach a common understanding of the other provisions of Security Council resolution 598 and the procedures and timings for their implementation."

7. It is clear from this presentation of the sequence of events that agreement was reached between the two parties through the Secretary-General of the United Nations on the timing of the cease-fire before complete agreement was reached on all the provisions that related to it. The cease-fire actually entered into force on 20 August, in the sense that shooting was discontinued and United Nations observers took up their positions along the cease-fire lines, before detailed legal provisions and obligations relating to the cease-fire were decided by the two parties in agreement with the Secretary-General, such as are essential if the cease-fire is to be viable. The Geneva negotiations naturally began by addressing this important question so as to consolidate the cease-fire through a clear and precise agreement between the two parties under United Nations auspices and on the basis of the proposals submitted by the Secretary-General to the two parties on 16 August 1988, before moving on to discussion of the other provisions of resolution 598 (1987) in accordance with the stipulations of the agreement of 8 August.

8. When the negotiations began in Geneva on 25 August 1988, Iraq sought, from the first meeting, provisions and obligations relating to the cease-fire arrangements that were unequivocal in order to avoid any interpretations that would distort them when they came to be implemented and so that the cease-fire could be a permanent condition and a sure step towards a comprehensive and durable peace. Iraq also wished that the said provisions and obligations, when implemented on land, at sea and in the air, should secure balanced advantages for both parties, thereby providing a sure guarantee of reinforcing the cease-fire. Within that framework, proceeding from these general principles and in view of the ultimate objectives of resolution 598 (1987), as represented by the achievement of a peaceful, comprehensive and permanent settlement of the conflict, Iraq called for two things. They were: a clear stipulation of the principle of the freedom of navigation in international waters in the Arabian Gulf and through the Strait of Hormuz for all vessels without hinderance; and that the United Nations should undertake the task of clearing the Shatt al-Arab and rendering it fit and safe for shipping without prejudice to the legal status of the river, which would be discussed at a subsequent stage of the negotiations.

9. These two legitimate and logical requests, however, which are fully in keeping with the tenor of the cease-fire and fall within its provisions, as the United Nations documents themselves confirm, to say nothing of their contributing to the strengthening of the cease-fire, were not addressed by the Iranian side in a manner implying a serious desire for the establishment of peace. The Iranian side adopted an approach of evasiveness and blackmail and of evading commitment to any legal or logical principle in addressing the questions posed in the negotiations. It persisted in a selective attitude in which it stressed those aspects that were convenient to it without adhering to any of the commitments it had itself incurred.

10. The first round of negotiations in Geneva ended in failure to reach agreement on the cease-fire provisions and the mutual obligations of the two parties thereunder by reason of Iran's obstinate and illogical position.

11. On 1 October 1988, a meeting was held between the two delegations in New York at which the Secretary-General presented a set of ideas on the implementation of a number of the provisions of resolution 598 (1987). At that time, agreement was reached on the resumption of the negotiations in Geneva in order to consider those and other ideas with a view to reaching a comprehensive and lasting peace.

12. When the second round of negotiations began at Geneva, Iraq, showing a high degree of responsibility and concern for the success of the negotiations, stated that agreement was essential on a precise modality for the implementation of resolution 598 (1987) which would ensure balance, equity and the achievement of the final outcome to be desired, namely a comprehensive and lasting peace between the two countries and in the region as a whole. Iraq therefore proposed that either a "sequential" approach should be adopted, its original position, or, if the Iranian delegation so desired, a "package" approach. Iraq further indicated that the basic conditions for any package were that it should be balanced both with respect to the elements of paragraph 1 and the relation of the various paragraphs to each other.

13. The Iranian delegation, however, once again returned to the same approach it had adopted during the first round, and it became clear that it was disavowing its commitments under the letter and spirit of the agreement of 8 August 1988 and was evading agreement on an established modality for the implementation of resolution 598. The Iranian delegation began to lay down priorities for the implementation of the resolution which were not in keeping with the sequential approach to implementation, or the overall package approach, or the principle of balance. It once again resorted to its familiar selective approach, relying on one approach in one matter and on another in a second, in such a way as to secure its advantage without agreeing to be bound by any logic or uniform modality with respect to the implementation of the resolution.

14. These Iranian positions were reiterated at the meeting held in New York on 10 February 1989 and at the third round of negotiations held at Geneva from 20 to 24 April 1989. These are the basic facts regarding the position before and after the agreement of 8 August 1988. In this connection we wish to affirm the following basic facts:

(a) Resolution 598 (1987) is a peace plan that aims at the achievement of a comprehensive and lasting peace between Iraq and Iran and in the Arabian Gulf area, under United Nations auspices. Any other interpretation of the resolution as a whole or of certain of its paragraphs is remote from this meaning and is aimed only at perpetuating the state of no war and no peace, after defeat has imposed acceptance of resolution 598 (1987) and the cease-fire on the Iranian régime. The state of no war and no peace is a dangerous one that threatens not only the cease-fire effected between the two parties but also security and stability throughout the area. For this reason, Iraq warns strongly against the approach that focuses on partial steps that do not definitely guarantee the achievement of a comprehensive and lasting peace but perpetuate the state of no peace and no war.

(b) Iraq's adherence to the agreement of 8 August 1988 and the holding of direct negotiations in the manner provided for in that agreement accords with the method followed by the contemporary international community in the resolution of disputes and does not give Iraq any advantages. If the Iranian side withdraws from the above-mentioned agreement, that raises profound doubts with regard to Iran's intentions in the future. Iraq calls for direct negotiations proceeding from its sincere intention to arrive at a lasting and comprehensive peace through negotiations and in accordance with international law on the basis of resolution 598 (1987), which constitutes a plan for a comprehensive peace.

(c) The 8 August agreement quite clearly provides that the direct negotiations under the auspices of the Secretary-General must cover all the topics covered by the provisions of resolution 598 (1987) that remain outstanding, with the exception of the topic of the release of prisoners.

(d) Paragraph 3 of resolution 598 (1987) expressly provides for the release of prisoners immediately after the cessation of active hostilities in accordance with the third Geneva Convention of 1949, article 118 of which provides for the release of prisoners without delay after the cessation of active hostilities. The hostilities ceased, as is well known, when the cease-fire took effect on 20 August 1988. In spite of the view expressed on a number of occasions since 23 August 1988 by the International Committee of the Red Cross, which is the international body overseeing the prisoners of war of both countries, to the effect that the active hostilities between Iraq and Iran have ceased, making it imperative to proceed to the release of prisoners, the Iranian régime still refuses to be bound by the provisions of international humanitarian law in this connection and continues to trifle with the lives and suffering of tens of thousands of Iraqi and Iranian human beings and retains them as hostages for the achievement of political ends.

The international community is called upon to exert pressure on the Iranian régime to define its position regarding the achievement of a comprehensive and lasting peace between itself and Iraq and throughout the area. What Iran should offer in this regard is not statements but tangible steps and, first and foremost, entry into direct negotiations with Iraq under the auspices of the Secretary-General, in accordance with the letter and the substance of the agreement of 8 August 1988, for the purpose of discussing the implementation of the

resolution. The other pressing and urgent step is to embark without restriction or condition and without subterfuge or trickery on the comprehensive and speedy release of the prisoners.

Refusal to take these two basic steps means that the Iranian side is not ready for the achievement of a comprehensive and lasting peace, which leaves the situation one of no war and no peace, and that its intentions and objectives are contrary to what is stated.

Ministry of Foreign Affairs of the
Republic of Iraq
Baghdad, 7 August 1989

