

tion violate the principle of the territorial integrity of Member States; consequently, it was precluded from according even implicit recognition to the result of any attempt, by aggression, subversion, or other use of force, to dismember Pakistan. Paragraph 1 could therefore mean nothing other than that the armed forces of India must withdraw from Pakistan to Indian territory, in both the East and West, and that the armed forces of Pakistan must withdraw from Indian territory. He emphasized that no legal distinction could be drawn between the withdrawals of Indian and Pakistan armed forces in the eastern theatre and those in the western theatre. If the wording of the interpretative statement with respect to the two theatres conveyed a sense of difference, it was only because in the eastern theatre there were no Pakistan forces on Indian territory but there were Indian forces on Pakistan territory, while in the western theatre forces of both sides were on each other's territory. In the eastern theatre withdrawals had to be one-sided and that meant that withdrawals would apply only to the Indian occupation forces while in the western theatre they had to be mutual.⁶⁹¹

The representative of India, on the other hand, contended, with reference to the eastern theatre, that Pakistan no longer had any right to keep any troops in Bangladesh, and any attempt by Pakistan to enter Bangladesh by force would create a threat to peace and security and could endanger peace and stability once again. As regards the western theatre, he stated that the international frontier between India and Pakistan was well defined. However, as a result of hostilities, certain areas of Pakistan were now under the control of Indian troops, and a much smaller area of India was under the control of Pakistani troops: India accepted the principle of withdrawals. He also noted that although the State of Jammu and Kashmir was an integral part of India, in order to avoid bloodshed and for preserving peace, India had respected the cease-fire line supervised by UNMOGIP. In the course of the present conflict, it had been crossed by troops of both sides. In order to avoid the repetition of such incidents, India proposed to discuss and settle with Pakistan certain necessary adjustments in the cease-fire line so that it would become more stable, rational and viable.⁶⁹²

Responding to the statement by the representative of India, the representative of Pakistan rejected the contention that Pakistan had no right to keep troops in so-called Bangladesh. He maintained that East Pakistan was an integral part of the territory of Pakistan, and the juridical status and the inalienable rights of the people of Pakistan could not be altered in any manner by an act of aggression and military occupation. The proclamation of the independence of a territory which was part of Pakistan in the capital of India had not been an act of self-determination of the people of East Pakistan but an act of dismemberment of a sovereign country by military aggression. He also maintained that the withdrawal of occupying armed forces could not be conditional upon negotiations. It was only after withdrawal that negotiations could take place which would lead to a settlement of a conflict. These negotiations did not, he added, require any recognition of any entity not accepted by the Government of Pakistan.⁶⁹³

QUESTION CONCERNING THE ISLANDS OF ABU MUSA, THE GREATER TUNB AND THE LESSER TUNB

INITIAL PROCEEDINGS

By letter⁶⁹⁴ dated 3 December 1971 addressed to the President of the Security Council, the representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen requested an urgent meeting of the Security Council to consider "the dangerous situation in the Arabian Gulf area arising from the occupation by the armed forces of Iran of the islands of Abu Musa, the Greater Tunb and the Lesser Tunb, on 30 November 1971".

By letter⁶⁹⁵ dated 7 December 1971, the representative of Iraq transmitted to the Secretary-General the text of a cable dated 30 November 1971 from the Ruler of Ras Al-Khaima in which the Ruler stated that Iranian troops had, that morning, invaded the two islands of Tunb which were an indivisible part of the territory of Ras Al-Khaima. Having charged Iran with aggression, the Ruler requested Iraq to take immediate and effective measures to repulse the aggression and to submit the matter to the Security Council, as well as the Council of the League of Arab States.

The question was considered by the Security Council at its 1610th meeting on 9 December 1971 and the representatives of Algeria, Iraq, the Libyan Arab Republic, the People's Democratic Republic of Yemen, Kuwait, Iran and the United Arab Emirates were invited to participate in the discussion.⁶⁹⁶

Decision of 9 December 1971 (1610th meeting):

Statement by the President

At the 1610th meeting on 9 December 1971, following the adoption⁶⁹⁷ of the agenda, without objection, the representative of Iraq* stated that the recent events in the Gulf had resulted in a tense and serious situation and a potential threat to the peace and security of the entire region. By the invasion of the two islands of Greater and Lesser Tunb which were an integral part of Ras Al-Khaima, and by partial occupation of the adjacent island of Abu Musa under the pretext of an alleged agreement with the Sheikh of Al-Sharjah of whose territory that island was a part, Iran had violated its international obligations under the Charter, in particular Article 2, paragraph 4, which recognized the inadmissibility of the acquisition of territory by the use of force. The representative of Iraq further maintained also that the invasion of the Tunb islands and the partial occupation of the island of Abu Musa was the latest step in a policy of territorial expansion by the Government of Iran. Referring to intermittent claims by Iranian rulers to certain areas and islands in the Gulf which had, for centuries, been under Arab jurisdiction, he maintained that these claims had, in recent years, been reduced in scope and had been concentrated on the three islands of Abu Musa and the Greater Tunb and the Lesser Tunb, particularly after the announcement in 1968 of the British Government's intentions to withdraw from the Gulf by the end of 1971.

The representative of Iraq charged further that the armed aggression by Iran, in contravention of Article

⁶⁹¹ 1621st meeting, paras. 106, 111-112.

⁶⁹² *Ibid.*, paras. 129-131.

⁶⁹³ *Ibid.*, paras. 145-146.

⁶⁹⁴ S/10409, *OR*, 26th yr., *Suppl. for Oct.-Dec. 1971*, p. 79.

⁶⁹⁵ S/10434, *ibid.*, pp. 101-102.

⁶⁹⁶ 1610th meeting, paras. 44-52.

⁶⁹⁷ *Ibid.*, preceding para. 44.

2(4), also demonstrated the collusion between Iran and the United Kingdom. He held that in so far as the islands of the two Tunbs were an integral part of the territory of Ras Al-Khaima, and the island of Abu Musa was part of the territory of Al-Sharjah, both of which were among the Trucial States for whose protection and territorial integrity the United Kingdom was responsible under the "exclusive agreements" of 6 and 8 March 1892 concluded between the Sheiks of the Trucial Coast and the United Kingdom, the latter had failed to honour its international obligations in not defending the three islands.

Having noted that the Iranian aggressions and violations of the Charter directly threatened Iraqi interests and that his Government reserved the right to take any and every action in order to protect its territory integrity and its vital interests in the Gulf, the representative of Iraq appealed to the Security Council to take all effective measures to condemn Iran as an aggressor and Britain as its collaborator, and to ensure the withdrawal of the Iranian forces of occupation from the islands.⁶⁹⁸

The representative of Kuwait* stated that Iran had flagrantly annexed three islands by force in complete disregard of the Charter, in particular Article 2, and in contravention of paragraph 4 of Article 2, and the principle of inadmissibility of territorial acquisition by force. The representative of Kuwait called on the Security Council to adopt a resolution calling on Iran to withdraw its forces from the three Arab islands since the occupation of their territory not only was a violation of the Charter and its principles but it also endangered the stability and peace of the Gulf.⁶⁹⁹

The representative of Algeria,* having observed that over the entire period of British presence in the region as the Administering Power the islands of the Greater and Lesser Tunb, as well as the island of Abu Musa, had been part of the territory that had recently become the federation of the United Arab Emirates, held that the question of the proprietorship over the islands could not be dealt with by way of an agreement between Iran and the United Kingdom, nor by a military occupation such as Iran had carried out in contravention of the Charter principles and in violation of the United Nations Declaration on the Strengthening of International Security. Iran's resort to the use of force called for a condemnation by the Security Council?

The representative of the People's Democratic Republic of Yemen,* having stated that the three islands of Abu Musa and the Greater and Lesser Tunbs had been always considered as parts of the Arab mainland, parts of the Gulf area as a whole, held that the British Government had to assume responsibility for the illegal act of aggression committed by Iran because the United Kingdom had declared itself responsible for this area until the end of 1971. Moreover, even if Iran's claim to the islands were valid, it would not be proper for it, as a Member of the United Nations, to seize the islands by force in violation of the purposes and principles of the Charter of the United Nations. His Government believed firmly that the British Government was responsible for the illegitimate action taken by Iran and that

Iran must immediately withdraw from Abu Musa and Greater and Lesser Tunbs.⁷⁰¹

The representative of Iran* stated that Iran had proceeded in accordance with its peace-loving policy in trying to find a peaceful settlement with regard to Abu Musa and the Tunb islands although there was no doubt that these islands belonged to Iran. Whereas the arrangements made concerning Abu Musa had met with the approval of Sharjah, efforts to find a negotiated solution with regard to the Tunb islands had failed and Iran had had no alternative but to establish the exercise of its sovereign rights over what was Iranian territory. The Iranian Government would not allow the territory of its off-shore islands to be violated; nor would it allow its sovereign rights over the islands in question to be infringed in any way.⁷⁰²

The representative of the United Kingdom recalled the decision of his Government, that the existing treaties between the United Kingdom and Bahrain, Qatar and the seven Trucial States would be terminated and the British forces would be withdrawn by the end of 1971. With regard to Abu Musa, an island administered by the ruler of Sharjah and situated towards the Arab side of the Gulf, the representative of the United Kingdom noted that, as a result of unremitting efforts on the part of the United Kingdom, an agreed settlement had eventually been reached between Iran and the ruler of Sharjah on 29 November 1971 under the terms of which neither gave up its claim to the island nor recognized the other's claim. It had been agreed that Iranian troops should be stationed in specified areas on the island and that oil revenues, should oil subsequently be found on or in the vicinity of the island, would be divided equally between Sharjah and Iran. As for the islands of the Greater and Lesser Tunb, he regretted that it had not been possible to reach a negotiated settlement. He observed that the ending of Britain's special position and responsibilities with the Gulf had meant the striking of a balance between the conflicting claims of neighbouring States, and taking into account of realities.

The representative of Libya* pointed out that his Government condemned the Iranian military aggression and occupation of the three islands in the Gulf; it condemned also the connivance of the British Government and its violation of treaty provisions and international law.⁷⁰³

The representative of the United Arab Emirates* held that the use of force by Iran to settle a territorial dispute arising out of a claim, which in the view of the United Arab Emirates was untenable both historically and juridically, was contrary to the Charter of the United Nations and incompatible with the traditional friendship between the Arab and Iranian peoples. He expressed the hope of his Government that Iran would reconsider its position on the three islands and find it possible to settle this problem in a manner that befitted relations between neighbours.⁷⁰⁴

The representative of Somalia observed that the parties should settle their dispute amicably so that the region might be assured of peace, security and stability. Noting that in discharging its responsibilities in matters so sensitive as unresolved territorial disputes, the Security Council had to act in strict conformity with the

⁶⁹⁸ 1610th meeting, paras. 56-67, 81-88, 90-113.

⁶⁹⁹ *Ibid.*, paras. 123-131, 142, 145-157.

⁷⁰⁰ *Ibid.*, paras. 159-166.

⁷⁰¹ *Ibid.*, paras. 173, 175, 177-181, 187-190.

⁷⁰² *Ibid.*, paras. 200-220.

⁷⁰³ *Ibid.*, paras. 233-240.

⁷⁰⁴ *Ibid.*, paras. 266-270, 273.

letter and spirit of the Charter, in particular, Chapter VI. He maintained that it would be precipitate at this stage for the Council to recommend any recourse under Article 36 for States friendly to both the complainants, and Iran had initiated governmental contacts in an attempt to bring the two sides together. His delegation, therefore, suggested that the Council defer consideration of this matter to a later date, so as to allow sufficient time for these efforts of quiet diplomacy to work. Should these third-party efforts fail, the Council could, at the request of complainants, or by exercising its

own discretion should the situation so demand, resume consideration of the complaint.⁷⁰⁵

The President (Sierra Leone) announced,⁷⁰⁶ in the absence of objections, that the Security Council had decided to defer consideration of the matter to a later date, so that sufficient time was allowed for thorough third-party efforts to materialize.⁷⁰⁷

⁷⁰⁵ 1610th meeting paras 275-281.

⁷⁰⁶ *Ibid.*, paras. 282-283.

⁷⁰⁷ Decision of 9 December 1971, *OR, 26th yr., Resolutions and Decisions of the Security Council 1971*, p. 11.