

The President suggested that the meeting be postponed at the request of the Libyan Government. In the absence of objection, it was decided.¹⁹⁰³

By letters dated 19 September¹⁹⁰⁴ and 13 October 1980,¹⁹⁰⁵ the representative of Malta reiterated his request that the Council take measures to protect Malta from the use of force by Libya.

By a letter dated 17 October 1980,¹⁹⁰⁶ the Secretary-General informed the President of the Council that, following consultations with the parties and with their agreement, a special representative of the Secretary-General would be sent to the two countries to discuss the issue with the two Governments.

By letter dated 22 October 1980¹⁹⁰⁷ the President informed the Secretary-General that his letter of 17 October had been discussed by the Members of the Council and they had agreed with the proposed mission by his representative.

The Secretary-General, in his report issued on 13 November 1980, stated that the submission of the case to the International Court of Justice would be an essential step in the resolution of the conflict. He informed the Council that while the Government of the Libyan Arab Jamahiriya was opposed to the drilling operations in the area until such time as the Court delivered its advisory opinion, the Government of Malta wanted to make arrangements with Libya to pursue the drilling operations that had been suspended on 20 August 1980.¹⁹⁰⁸

THE SITUATION BETWEEN IRAN AND IRAQ

Decision of 23 September 1980: statement by the President

In a letter¹⁹⁰⁹ dated 23 September 1980, the Secretary-General expressed his deep concern at the escalation of the conflict between Iran and Iraq,¹⁹¹⁰ which constituted, in his opinion, a potentially grave threat to international peace and security. He indicated that he had appealed the day before to the parties to end the fighting and to seek to settle their differences by negotiation and had offered, through the representatives of the two Governments at the United Nations, his good offices that might be of use in settling their differences. In view of the dangers that would inevitably arise from a further escalation of the conflict, he urged, as a first step, that the members of the Council meet in consultation.

On the same date, the members of the Council undertook informal consultations on the situation, as a result of which the President issued the following statement¹⁹¹¹ on behalf of the members:

Members of the Security Council have today exchanged views in informal consultations on the extremely serious situation prevailing between Iran and Iraq. They have taken note of the sharp deterioration in relations and of the escalation in armed activity leading to loss of life and heavy material damage.

Members of the Council are deeply concerned that this conflict can prove increasingly serious and could pose a grave threat to international peace and security.

The members of the Council welcome and fully support the appeal of the Secretary-General, addressed to both parties on 22 September 1980, as well as the offer that he has made of his good offices to resolve the present conflict.

The members of the Council have asked me to appeal, on their behalf, to the Governments of Iran and Iraq, as a first step towards a solution of the conflict, to desist from all armed activity and all acts that may worsen the present dangerous situation and to settle their dispute by peaceful means.

Decision of 28 September 1980 (2248th meeting): resolution 479 (1980)

In a letter¹⁹¹² dated 25 September 1980, the Secretary-General expressed his appreciation to the President of the Council for having issued the appeal to the parties following consultations. He reported that in spite of his efforts and those of the Council, the fighting had continued and intensified on land, on the sea and in the air. He warned again that the current situation was an undoubted threat to international peace and security. He therefore suggested that the Council should consider the matter with the utmost urgency.

By letter¹⁹¹³ dated 26 September 1980, the representatives of Mexico and Norway requested the President of the Council to convene an urgent meeting of the Council to consider the ongoing conflict between Iran and Iraq.

At the 2247th meeting on 26 September 1980, the Security Council included the situation between Iran and Iraq in its agenda and considered the issue at its 2247th and 2248th meetings on 26 and 28 September 1980. During these meetings the Council decided to invite the representatives of Iraq and Japan to participate, without vote, in the discussion of the question.¹⁹¹⁴

At the beginning of the meeting, the President drew the attention of the members of the Council to a number of documents which had been issued regarding the issue before the Council.¹⁹¹⁵ He then called on the Secretary-General, who summarized in detail the developments of the last few days, in particular his own activities, and informed the Council of the plan of the Islamic Conference, which had convened the same day at the Foreign Ministerial level, to send a goodwill mission to Iran and

¹⁹⁰³ *Ibid.*, para. 48.

¹⁹⁰⁴ S/14181, *OR, 35th yr., Suppl. for July-Sept. 1980*, pp. 108-109.

¹⁹⁰⁵ S/14217, *OR, 35th yr., Suppl. for Oct.-Dec. 1980*, p. 11.

¹⁹⁰⁶ S/14228, *ibid.*, p. 16.

¹⁹⁰⁷ S/14229, *ibid.*, p. 16.

¹⁹⁰⁸ S/14256, *ibid.*, p. 16.

¹⁹⁰⁹ S/14196, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 118.

¹⁹¹⁰ Several communications depicting the increasing hostility between the two countries were issued by the Organization as Security Council documents: S/14020 (a letter dated 20 June 1980), S/14070 (a letter dated 23 July 1980) and S/14191 (a letter dated 22 September 1980).

¹⁹¹¹ S/14190; see *OR, 35th yr., Resolutions and Decisions of the Security Council 1980*, p. 23.

¹⁹¹² S/14197, *OR, 35th yr., Suppl. for July-Sept. 1980*, p. 118.

¹⁹¹³ S/14198, *ibid.*, p. 119.

¹⁹¹⁴ For details, see chapter III.

¹⁹¹⁵ 2247th mtg., para. 3. In addition to those indicated above, the President mentioned the letter dated 24 September 1980 from the representative of Iraq (S/14192, *OR, 35th yr., Suppl. for July-Sept. 1980*, pp. 114-115), the letter dated 24 September 1980 from the Secretary-General (S/14193, *ibid.*, p. 115) and the letter dated 25 September 1980 from the representative of Tunisia (S/14195, *ibid.*, pp. 117-118).

Iraq. The Secretary-General added that in this tragic conflict the Security Council was expected to find a practical and useful way to end the fighting and to seek a settlement of the differences between the two Governments by peaceful means. In conclusion, he stated once again his willingness to do his utmost to be of assistance in finding a solution.¹⁹¹⁶

At the same meeting, the representative of Mexico pointed out that his delegation together with the delegation of Norway had sought the Council meeting because they believed that it was their duty as members of the international community to promote the peaceful settlement of disputes. He stressed their growing concern about the fratricidal war and expressed his appreciation regarding efforts of the Non-Aligned Movement and the Islamic Conference. In view of its primary responsibility in the maintenance of international peace and security, the Security Council should continue to promote the process of mediation and its deliberations should culminate in decisions of a binding nature. He urged the parties to the conflict to heed the appeal of the United Nations and called upon all States to refrain from any action which might aggravate the present situation. He emphasized in conclusion that the essential principles of the Organization—the independence and territorial integrity of States, non-intervention, the peaceful settlement of disputes and the maintenance of peace—be fully respected.¹⁹¹⁷

The representative of Norway expressed his grave concern about the war between Iraq and Iran and stated that the Council had a duty to act. He proposed that the Council should call for an immediate cessation of all military activities in the area and for the concurrent initiation of negotiations between the parties with a view to settling their dispute by peaceful means.¹⁹¹⁸

At the same meeting, the representative of Iraq brought to the attention of the Council a declaration of his Foreign Minister, who emphasized the principles of non-interference in the internal affairs of States, respect for their national sovereignty and concern for international peace and security; Iraq stood by those principles and would stop the fighting as soon as Iran would also act according to them. The Foreign Minister had declared that Iraq had no ambition concerning Iran's territory and welcomed the numerous proposals for mediation and good offices with a view to settling the current dispute. The representative of Iraq stated in conclusion that if the Council at any time were to move into substantive discussions of the conflict and perhaps would consider draft resolutions, his Government would want to be represented by the Foreign Minister, who stood ready to come to New York to participate in the Council meetings.¹⁹¹⁹

At the 2248th meeting on 28 September 1980, the President drew the attention of the Council members to

a letter dated 26 September 1980 addressed to him by the Secretary-General which contained as an annex the reply by the President of Iraq to the Secretary-General's appeal and letter dated 24 September.¹⁹²⁰

The President further stated that the Secretary-General and he himself had continued to follow the situation with vigilance and were able to report that their activities had begun to bear fruit: the Government of Iraq had accepted the offer of good offices referred to in the President's message; and information had been received that the mission of the Islamic Conference had already visited the capital of Iran, would continue to the Iraqi capital and was planning to establish contact with the Security Council. The President added that the continuation of that information and good offices mission was most welcome and improved the chance of securing those objectives toward which the Council's own efforts were directed. The main objective was the effort to bring a halt to the fighting and to initiate peaceful means between the two parties to settle their dispute. He then announced that after lengthy consultations among the members of the Council, a draft resolution had been placed before the Council by Mexico.¹⁹²¹

With the understanding that the Council was ready to vote on the draft resolution, the President put the draft to the vote; and it was unanimously adopted as resolution 479 (1980).¹⁹²² It reads as follows:

The Security Council.

Having begun consideration of the item entitled "The situation between Iran and Iraq",

Mindful that all Member States have undertaken, under the Charter of the United Nations, the obligation to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered,

Mindful as well that all Member States are obliged to refrain in their international relations from the threat of or use of force against the territorial integrity or political independence of any State,

Recalling that under Article 24 of the Charter the Security Council has primary responsibility for the maintenance of international peace and security,

Deeply concerned about the developing situation between Iran and Iraq,

1. *Calls upon* Iran and Iraq to refrain immediately from any further use of force and to settle their dispute by peaceful means and in conformity with principles of justice and international law;

2. *Urges* them to accept any appropriate offer of mediation or conciliation or to resort to regional agencies or arrangements or other peaceful means of their own choice that would facilitate the fulfilment of their obligations under the Charter of the United Nations;

3. *Calls upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to a further escalation and widening of the conflict;

4. *Supports* the efforts of the Secretary-General and the offer of his good offices for the resolution of this situation;

5. *Requests* the Secretary-General to report to the Security Council within forty-eight hours.

¹⁹²⁰ 2248th mtg., para. 3. The letter was issued as document S/14199, OR, 35th yr., Suppl. for July-Sept. 1980, p. 119. The Secretary-General had appealed to both parties to exercise maximum restraint in the ongoing conflict.

¹⁹²¹ *Ibid.*, paras. 4-10. The draft resolution was adopted without change as resolution 479 (1980).

¹⁹²² *Ibid.*, para. 11.

¹⁹¹⁶ 2247th mtg., paras. 5-13.

¹⁹¹⁷ *Ibid.*, paras. 15-26.

¹⁹¹⁸ *Ibid.*, paras. 27-33.

¹⁹¹⁹ *Ibid.*, paras. 35-39.

Following the adoption of the resolution, the representative of Iraq asked for the floor, but the President first invited members to express their views.¹⁹²³

The Secretary-General indicated that his ability to report back to the Council within 48 hours, as requested in paragraph 5 of the resolution, depended on the response of the parties concerned, and he addressed a special appeal to them in this respect.¹⁹²⁴

The representative of Mexico expressed his satisfaction at the speedy and constructive response of the Council giving support to the mediation efforts without interfering with them at all. The constant concern had been to ensure that the authority of the Council was safeguarded and exercised in a decisive manner. He added that the Council had heeded the appeal of the President of Pakistan, who was also President of the Islamic Conference, to postpone by one day the vote on the draft resolution while he was conducting personal negotiations with the parties.¹⁹²⁵

The representative of the United States invoked Article 24 of the Charter and underlined the responsibility of the Council for peace and security; he recalled his Government's proposals for strengthening the Council's effectiveness. He supported the mediation efforts undertaken by the President of Pakistan and offered his Government's assistance. He said that his delegation had voted for the draft resolution in order to help bring about an end to the tragic hostilities. His Government was guided by several principles in this dispute: (1) the United States maintained neutrality in the dispute; (2) it expected that other countries would follow the same course of non-interference; (3) the freedom of navigation to and from the Persian Gulf must not be infringed upon; and (4) the dispute must be settled through negotiations, and hostilities must end.¹⁹²⁶

The representative of the USSR emphasized that in disputes such as the one before the Council, force should be avoided and the conflict should be resolved exclusively by peaceful means, by means of talks on mutually acceptable terms in the light of the interests of States and peoples involved, according to the provisions of the Charter. The USSR had supported the draft resolution, but it wished to reiterate its view that it would have been better if the Council had heard the parties before the resolution was adopted.¹⁹²⁷

The representative of Iraq expressed his disappointment that the President had failed to allow him to address the Council before the adoption of the resolution, although 12 delegations whom he had contacted had no objection to that request. He then referred to the verbatim record of the last meeting, at which he had explicitly requested that his Foreign Minister be enabled to come to New York as soon as the Council was ready to enter into substantive discussions regarding efforts to resolve the crisis, and registered his regret that his

request had not been accepted, although the Council had already adopted a resolution on the substance of the dispute. He further noted that the Government of Iran had already rejected the call for a cease-fire issued in the new resolution, whereas his own Government stood ready to cease fighting if the other side did the same and was willing to seek the resolution of the dispute through peaceful means, as announced by the President of Iraq.¹⁹²⁸

The President replied that the procedure followed was in accord with the understanding reached in consultations: the Council had addressed itself to major principles of the Charter and was planning to consider the substance of the dispute in the next meetings, in the presence of the Iraqi Foreign Minister.¹⁹²⁹

At the end of the meeting, the President announced that the Council would await the report of the Secretary-General before it continued its thorough consideration of the question. The next meeting would be scheduled after consultations among members of the Council.¹⁹³⁰

Decision of 5 November 1980: statement by the President

The Security Council resumed the consideration of the situation between Iran and Iraq during its 2250th to 2254th meetings between 15 and 29 October 1980. At the 2250th meeting, the President renewed the invitations to the representatives of Iraq and Japan and invited the representatives of Cuba and Iran to participate, without vote, in the discussion of the question.¹⁹³¹

At the beginning of the 2250th meeting, the President drew the attention of the Council members to several relevant documents: the report¹⁹³² issued by the Secretary-General on 30 September in which he informed the Council that Iraq was prepared to accept the provisions of resolution 479 (1980), if Iran did likewise, and that Iran had promised to reply by 1 October, and in which he provided further information regarding the goodwill mission of the Islamic Conference and new developments in the dispute; the letter¹⁹³³ dated 29 September 1980 from the Representative of Iraq conveying to the Secretary-General his Government's response to resolution 479 (1980); the letter¹⁹³⁴ dated 1 October 1980 from the representative of Iran, who notified the Secretary-General that the President of Iran would not accept resolution 479 (1980) unless Iraq stopped its war of aggression; further letters¹⁹³⁵ from both parties and a letter¹⁹³⁶ from the Secretary-General regarding his effort

¹⁹²³ For the exchange regarding the procedural request by Iraq, *ibid.*, paras. 13-17.

¹⁹²⁴ *ibid.*, paras. 19 and 20.

¹⁹²⁵ *ibid.*, paras. 21-30.

¹⁹²⁶ *ibid.*, paras. 31-46.

¹⁹²⁷ *ibid.*, paras. 75-82.

¹⁹²⁸ *ibid.*, paras. 120-129.

¹⁹²⁹ *ibid.*, paras. 130-133.

¹⁹³⁰ *ibid.*, para. 148.

¹⁹³¹ See 2250th mtg., para. 5. For further details, see chapter III.

¹⁹³² S/14205, *OR, 35th yr. Suppl. for July-Sept. 1980*, pp. 120-121.

¹⁹³³ S/14203, *ibid.*, p. 120.

¹⁹³⁴ S/14206, *ibid.*, *Suppl. for Oct.-Dec. 1980*, p. 3.

¹⁹³⁵ S/14210, *ibid.*, pp. 8-9 (letter dated 6 October 1980 from the representative of Iraq); S/14214 and S/14216, *ibid.*, pp. 10, 11 (letters dated 12 and 13 October 1980 from the representative of Iran).

¹⁹³⁶ S/14213, *ibid.*, p. 9 (letter dated 10 October 1980 from the Secretary-General).

to obtain safe passage for commercial vessels trapped in the area of conflict.¹⁹³⁷

At the same meeting, the representative of Iraq accused Iran of having pursued for centuries a policy of territorial expansionism, a policy that had led since 1520 to the breach or cancellation of numerous border treaties. The most recent crisis involving the Islamic Republic of Iran was not anticipated since the Government of Iraq had welcomed the revolution in Iran and the new Government under Ayatollah Khomeini. Yet, the new régime turned hostile and decided to export its Islamic revolution to Iraq and the Arab Gulf region.

The representative of Iraq reviewed the troubled history of the Iran-Iraq border dispute, referred to a letter dated 11 July 1969¹⁹³⁸ in which his Government had given a detailed account about the whole situation following the unilateral attempt of the Iranian Government to abrogate the boundary treaty of 1937, and reported that the last effort, the Algiers Agreement of 6 March 1975, had similarly been violated. The Government of Iraq, faced with the situation that Iran had secured its own advantage, decided to press for the completion of the process of returning the areas belonging to Iraq, but was met by a more and more explicit wave of hostility and denial by the new Iranian régime. The growing tension culminated in no fewer than 57 violations of Iraqi air space by Iranian military aircraft between February 1979 and May 1980, accompanied by declarations in Iranian official circles that Iran no longer considered itself bound by the Algiers Agreement. The Government of Iraq decided to reassert its right under international law by taking possession of its lands and at the same time to terminate from its side the Algiers Agreement. The response by Iran was the escalation of the conflict to total war.

The Iraqi representative concluded by affirming that his Government had no territorial ambitions in Iran, that it would fulfil resolution 479 (1980) if Iran did the same, and that it sought to resolve the dispute through peaceful means, in accordance with the appeals of the Security Council.¹⁹³⁹

Following the Iraqi statement, the representative of Iran requested that the Council arrange for the next meeting on Friday, as the Prime Minister of Iran was planning to come in person to explain Iran's position in the Security Council.¹⁹⁴⁰

The representative of Cuba, speaking in his capacity as representative of Acting President of the Non-Aligned Movement, indicated that his Government was deeply disturbed by the deepening conflict involving Iran and Iraq and had sent the Foreign Minister to Baghdad and Teheran to offer Cuba's co-operation in settling the dispute, which constituted a serious threat to peace and stability in the area.¹⁹⁴¹

At the 2251st meeting,¹⁹⁴² the Prime Minister of Iran rejected all charges put forward by the representative of Iraq and accused the Iraqi Government of having launched an unprovoked war of aggression against the Islamic Republic of Iran in order to mutilate the revolutionary movement. He maintained that the Iraqi Government had cancelled the Algiers Agreement of 1975 and had tried to blame the Government of Iran for this in order to fabricate a pretense for its aggression, and he listed in some detail the incidents of interference and aggression committed by Iraq prior to the abrogation of the agreement.

The Prime Minister posed several questions regarding the origins, goals and external support of the Iraqi aggression and announced that his people did not expect any help from the Security Council, which was prevented from acting decisively because major Powers would block the implementation of these decisions, and concluded that an end to the war could be found only if the aggressor was vanquished and punished.¹⁹⁴³

At the same meeting, the representative of the United States reminded the Council of the fate of the 52 Americans held for almost a year in Iran against their will and responded to the questions of the Prime Minister of Iran that the United States expected its hostages to be freed on the same principles of law, justice and human dignity on which Iran based its appeal to the Council.¹⁹⁴⁴

At the 2252nd meeting on 23 October 1980, the representative of the United States stated that the work of the Council in matters of peace and war was premised on the adherence of member States to cardinal principles of international law, in particular the principles that war should no longer be a tool of national policy, that territory must not be seized by force, that disputes should be settled by peaceful means and that States should not interfere in the internal affairs of others. He added that his Government had no specific proposal to offer except that negotiations between the two parties should begin promptly.¹⁹⁴⁵

The representative of Norway proposed that a suitable Council resolution would provide for internationally supervised withdrawal of all foreign forces from territories acquired through the use of armed force and call again for respect for the principles of territorial integrity, sovereignty and national independence and of non-interference in the internal affairs of another country.¹⁹⁴⁶

¹⁹³⁷ At the beginning of the 2251st meeting, the President drew the attention of the Council to a letter dated 16 October 1980 (S/14221, OR, 35th yr. Suppl. for Oct-Dec. 1980, p. 13), in which the Secretary-General transmitted to the Council his appeal to the parties regarding the security of ships immobilized in the conflict area and his suggestions for resolving the problem and the negative reply from the Government of Iraq.

¹⁹⁴¹ 2251st mtg., paras. 5-38. The representative of Iraq spoke after the Prime Minister of Iran and reiterated his charges in a long statement; *ibid.*, paras. 40-68.

¹⁹⁴² *Ibid.*, paras. 69-74.

¹⁹⁴³ 2252nd mtg., paras. 29-41.

¹⁹⁴⁶ *Ibid.*, paras. 42-48.

¹⁹³⁷ For the President's remarks, see 2250th mtg., para. 5.

¹⁹³⁸ S/9323, OR, 24th yr., Suppl. for July-Sept. 1969, pp. 108-123.

¹⁹³⁹ 2250th mtg., paras. 7-45.

¹⁹⁴⁰ *Ibid.*, para. 47.

¹⁹⁴¹ *Ibid.*, para. 49-57.

The representative of the German Democratic Republic quoted the provisions of Article 33 of the Charter and expressed his conviction that the application of that Article would make it possible to resolve the conflict in a manner acceptable to both sides.¹⁹⁴⁷

The representative of Cuba announced that the Co-ordinating Bureau of the non-aligned countries had created an *ad hoc* committee composed of Ministers for Foreign Affairs of non-aligned countries, whose objective would be to bridge the gap between Iran and Iraq, and that the committee had already begun its work.¹⁹⁴⁸

At the 2254th meeting on 29 October 1980, the President, speaking in his capacity as representative of the USSR, expressed his Government's deepening concern about the escalating war between Iran and Iraq. He stressed that his Government had consistently favoured an early political settlement of the conflict, primarily through efforts by both sides to arrive at mutually acceptable solutions. He emphasized that at the present time war and the use of force could not and must not be a means of resolving disputes between States and that the principle of non-intervention guided his country's policies toward the two parties. The work of the Security Council in the maintenance of international peace and security should be based on the three principles embedded in Article 2 of the Charter, namely peaceful settlement of disputes, non-use of force and non-intervention.¹⁹⁴⁹

At the conclusion of the meeting, the President announced that the date of the next meeting of the

Council to continue the consideration of the item would be set in consultation with the Council members.¹⁹⁵⁰

On 5 November 1980, the President of the Council issued the following statement:¹⁹⁵¹

During recent days, members of the Security Council have continued intensive consultations about the situation between Iran and Iraq. Their aim continues to be to bring an early end to the hostilities and to bring about a peaceful settlement of the dispute in accordance with the purposes and principles of the United Nations.

Members of the Council are deeply concerned that hostilities continue, with resulting loss of life and material damage. They continue to urge that all concerned be guided by Member States' obligations under the Charter to settle their international disputes by peaceful means and in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.

The Secretary-General has participated fully in the Council's consultations. Members of the Council have reiterated their full support for the use of his good offices to bring about peaceful negotiations between Iran and Iraq with a view to arriving at a just solution to their differences. Members of the Council welcome the fact that, in the exercise of his good offices, the Secretary-General is considering sending a representative to the region in order to facilitate authoritative communication with and between the Governments concerned so that negotiations for peace can proceed on an urgent basis.

Members of the Council express their hope that Iran and Iraq continue their co-operation with the Council and appeal to both parties to support the efforts of the Secretary-General.

The Security Council requests the Secretary-General to keep it fully informed about his efforts.

¹⁹⁴⁷ *Ibid.*, paras. 49-67. Several other delegations expressed support for the same principles as basis for negotiations.

¹⁹⁴⁸ *Ibid.*, paras. 69-72.

¹⁹⁴⁹ 2254th mtg., paras. 84-94.

¹⁹⁵⁰ *Ibid.*, para. 94.

¹⁹⁵¹ For the text of the statement (S/14244), see *OR, 35th yr., Resolutions and Decisions of the Security Council 1980*, pp. 23-24.