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THE ROLE OF THE UN SECRETARY GENERAL IN RESOLVING IRAN-IRAQ CONFLICT 1982-1987: ESTABLISHING A CASE FOR AN EFFECTIVE PEACE-MAKING PROCESS

The Iraq-Iran war during its entire eight year course represented an almost insurmountable challenge to the United Nations' conflict resolution capability. The Security Council, the primary organ of the United Nations charged with the responsibility of maintaining international peace and security, during much of that period found it difficult to overcome procedural and institutional weaknesses to appreciate fully the Charter based requirements for a consensual, multi-lateral approach to conflict resolution. An effective response to the challenge, however, came from the Secretary General. Realising that the very nature of the conflict between Iraq and Iran called for the use of quiet diplomacy for which his Office was best suited, he was also mindful of the fact that the benefits accruing therefrom were contingent on an effective and major participation of the Security Council in an integrated peace-making process. It is the purpose of this paper to chart this rather two-dimensional effort of the Secretary General in seeking a resolution of the Iraq-Iran conflict. In doing so emphasis will be paid to the peace-making efforts of Secretary General Javier Perez de Cuellar during the period between 1982 and 1987 culminating in the Security Council's unanimous adoption of Resolution 591 (1987). Though the Resolution failed to bring about an immediate cessation of hostilities between Iraq and Iran, it nevertheless provided the basis

for the eventual cease-fire between the two countries and was the manifestation of a renewed commitment to the Charter tenets on peace and security, giving the Security Council and the entire peace-making effort of the United Nations a much enhanced, and much needed, respectability in the international arena.

The effort of the Secretary General in resolving the Iraq-Iran conflict may be examined both in the context of the nature of the conflict itself and the recognition within and outside the United Nations of the widening ambit of the Secretary General's political activities.

The incursion of Iraqi forces into Iranian territory on September 22, 1980 marked the formal demise of the spirit of respect for international boundaries and good neighbourliness which underlined the March 1975 Algiers Agreement, later formalised as the Treaty of Baghdad in June 1975. The Agreement and the Treaty among other issues settled a part of the Iraq-Iran border at the "thalweg" (line of deepest flow) in the Shatt al-Arab River, and obliged the signatories to prevent the infiltration of men and material into the territory of the other.¹ The latter provision had reference to Iranian backed Kurdish insurgencies in northern Iraq and "the linking of the Kurdish problem to the boundary dispute was dramatic proof that territory is not the only, even the most important source of conflict between the two states. In fact, territorial claims and associated problems, such as navigation and resource rights, are merely manifestations of more fundamental geostrategic and religious-national contradictions that are played out in an environment of permanent suspicion and hostility. As the two strongest and most populous countries in the region, Iran and Iraq are natural rivals for preeminence ... "2 in the region. At its very core the Iraqi aggression reflected the reaction of the Arab world to the 1978 Iranian

1. Mark Heller, *The Iran—Iraq War : Implications for Third Parties*, J C S S Publications, Paper No. 23 (Jerusalem : The Jerusalem Post Press, 1984), p. 7.

2. *Ibid*,

Revolution which by 1980 displayed threatening potential of spilling over its own borders into neighbouring states where issues of Shi'i mistrust of Sunni political leadership, dynastic rule, corrupting western influences could be exploited much to the benefit of the survivability of theological rule within Iran and its hegemonic designs in the region.

Iraq's decision to champion the Arab cause against Ayatollah Khomeini's attempt to export his Revolution had roots in its relative military supremacy in the region, its own hegemonic aspirations and in its historical mistrust of Iran. The Shatt al-Arab River is a political as well as a cultural boundary separating an Arab-Sunni-Socialist political system from one that is distinctively Iranian, Shi'i and fundamentalist in character. The experience of these two countries with Super-power competition over their oil resources and as beneficiaries of generous amounts of arms supply contributed greatly to a pronounced political and cultural hostility, thereby creating a tumultuous frontier and leading to the outbreak of open hostilities in 1980.

With the Revolution and the Tehran hostage crisis standing to its credit Iran entered the war within the general framework of its aggressive non-alignment, international isolationism and debilitating "overhauling" of its military. Purges of pro-Shah sympathisers within the military led to a virtual emasculation of the country's military power, the regeneration of which was virtually made impossible by Iran's policy of distancing itself from both the "Great Satan" the United States, and the "Lesser Satan", the Soviet Union.

Iran having so resolutely adopted the role of a pariah state, it was only obvious that its traditional enemy and neighbour would acquire the status of a much favoured nation in terms of military support, both from the West and the Soviet Union. From the Western point of view Iraq was seen as an essential ally who could not only protect the West's oil interests in the Persian Gulf, but also the most consistent ally of the United States in the region, Saudi Arabia. From the

Soviet point of view, mainly Iraq could be instrumental in preventing Iranian fundamentalism adversely affecting the results of the Saur Revolution in Afghanistan and more important, to prevent the Ayatollah's messages from spilling over into the Soviet Central Asian Republics.

Once the war began, concern of the regional Arab states over their future political sovereignty added another important dimension to the conflict. Wary as they were of an Iran emerging victorious from the war, they were equally skeptical as to how reassuring a victorious Iraq would be for their political independence. They, therefore, saw reason in opting for a long drawn out war hoping that the belligerents would ultimately bleed themselves to death. As for the two Super-powers, for the first two years of the war both remained content in letting the war take its own course without a major commitment on their part either way.

As envisaged in Article 33 of the UN Charter, it is incumbent on the parties to a dispute that threatens international peace and security to have resort first to peaceful means of settlement of their own choice failing which they can refer the matter to the Security Council under Article 37, paragraph 1 of the Charter, for the Security Council to either recommend appropriate procedures or methods of adjustment in accordance with Article 36 paragraph 1, or recommend terms of settlement according to Article 37, paragraph 2. However the multiplicity of armed conflicts today proves that on their part states are more apt to operate in default of their Charter obligations because :

- (a). a resort to arms provides a quick and effective means to achieve immediate internal and international goals, holding a promise of success in the instance of a negotiated or mediated settlement;
- (b). as a result of the erosion of the authority and effectiveness of the United Nations in dispute settlement due to the Security Council's frequently displayed inability to either take initiatives

at peaceful settlement of disputes through recommendations under Article 33, paragraph 2 and Article 36, paragraph 1, or to take enforcement measures under Chapter VII of the Charter, states have developed means to ignore or use the United Nations peace-making machinery whenever it suits their purpose.

The history of the United Nations has thus been characterised by a striking discrepancy between some of the most idealistic assumptions of the Charter and the more pragmatic requirements of international conflict.³ The realities of present day politics though debilitating the collective security machinery nevertheless led to the development of alternative diplomatic action by the Secretary General. The text of the Charter is not particularly generous or, but for Article 99, explicit with regard to all the possible dimensions of the contribution that the Secretary General might make towards the fulfilment of the ambitious goals of the United Nations in the area of international peace and security.⁴ However, the two main deliberative policy-making organs of the United Nations, the Security Council and the General Assembly, have sought to delegate more and more political tasks to the Secretary General in an attempt to fill the void created by their inability to carry out the same. Best suited to deal with contentious issues through quiet diplomacy, it was also the element of consistency, independence and impartiality associated with the Office of the Secretary General and enhanced by virtue of Article 100 of the Charter that so endeared the Office to the United Nations and its Member States as best suited to play a prominent role in conflict resolution.

That the "chief administrative officer of the Organisation" (Article 97 of the Charter) could have a greater political role than

3. Diego Cordovez, "Strengthening United Nations Diplomacy for Peace: The Role of the Secretary-General", in *The United Nations and the Maintenance of International Peace and Security* (Dordrecht/Boston/Lancaster: Martinus Nijhoff Publishers, 1987), p. 161.

4. *Ibid.*, p. 163.

bringing "to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security" (Article 99) was well established by the Charter itself by virtue of Article 98 which provides that the Secretary General "shall perform such other functions as are entrusted to him.....". Taking into consideration the inherent strength of the Secretary General flowing from his ability to exploit the traditional methods of peace-making diplomacy and from his resumed objectivity "it should come as no surprise that the Secretary General often may be the only peacemaking factor acceptable to the parties to the dispute, even when the Security Council and the General Assembly have pronounced themselves on the issue. Even in cases where the deliberative organs have adopted numerous resolutions such as the Iran-Iraq conflict—all hope for real progress towards peaceful solutions is concentrated on the efforts of the Secretary-General."⁵ From the Secretary General's point of view the Iran-Iraq war also witnessed the emergence of the Office of the Secretary General as almost supplementing the peace-making machinery of the United Nations. This the Secretary General Javier Pérez de Cuéllar, rightly considered as not only weakening the already brittle image of the United Nations but as also exposing the limitations of a one-man effort and condemning the same to futility and failure. Thus "whatever useful functions the Secretary General may have in the area of peace and security, any action undertaken by him can only be effective when the Charter prerogatives of the UN organs and its Member States are duly taken into account. Such respect for the division of competence within the system is essential if the necessary confidence and acceptability for the Secretary General's action is to be maintained."⁶ Thus throughout the period between 1982 and 1987, the peace-making efforts of the Secretary General in the Iran-Iraq war partly concentrated on impressing upon the Members of the

5. *Ibid.*, p. 169-70.

6. *Ibid.*, p. 167.

Security Council the need to take their Charter obligations seriously by rising above self-interests, failure of which to do was tenaciously exploited by the belligerents. (and an especially recalcitrant Iran) and became a stumbling block in the effectiveness of the Secretary General's own peace initiatives.

In his first annual report⁷ of September 7, 1982, to the General Assembly as Secretary General, Javier Pérez de Cuéllar drew particular attention to the urgent need "to reconstruct the Charter concept of collective action for peace and security so as to render the U N more capable of carrying out its primary function."⁸ He thereafter made some observations in the Report which served as operating guidelines in his efforts in seeking a settlement to the Iran-Iraq dispute over the next six years. Among other things the Secretary General observed that :

- (a). it was essential for "new and imaginative approaches" to be adopted for the resolution of Conflicts.⁹
- (b). in certain cases it is likely that the most productive procedure is "not a public debate, which could become rhetorical and confrontational, but the ingenuity and capacity of concerned Member States through which this could be achieved"¹⁰ Debate without effective action diminishes the credibility of the Organisation. There was need for "a more careful study of psychological and political aspects of problems---"¹¹ that it was "insufficient to indulge in a course of action that merely tends to strengthen extreme positions."¹²
- (c). Permanent Members of the Security Council have "special responsibilities under the Charter, (and) share a sacred trust

7. *Report of the Secretary-General on the work of the Organisation : General Assembly Official Records: 37th Session, Supplement No. 1 (A/37/1)*

8. *Ibid.* p. 2.

9. *Ibid.*, p. 2.

10. *Ibid.*, p. 3.

11. *Ibid.*, P. 3.

12. *Ibid.*, p. 3.

that should not go by default owing to their bilateral difficulties."¹³

- (d). be it a request to implement a resolution of the use of his good offices, it has to be borne in mind that the Secretary General's efforts in those situations be only complementary to the peace-making functions of the Security Council. "Without the continuing diplomatic and other support of Member States, the Secretary General's efforts often have less chance of bearing fruit. Concerted diplomatic action is an essential complement to the implementation of resolutions. I believe that in reviewing one of the greatest problems of the United Nations—lack of respect for its decisions by those to whom they are addressed—new ways should be considered of bringing to bear the collective influence of the membership on the problem at hand."¹⁴

This Report must surely have brought home the failure of the Security Council to bring an end to the Iran-Iraq war which at the date of the Report had continued undeterred for almost two years. The conflict had by January 1982, i.e., the date of Javier Pérez de Cuellar's assumption of duties as Secretary General of the United Nations, reached a point where both belligerents came to realise their limitations in achieving a decisive victory over the other. The only action taken thus far by the Security Council concerning the conflict was the adoption of Resolution No. 479 (1980). A consultation between members of the Security Council urgently convened at the request of Secretary General Kurt Waldheim¹⁵, resulted in the adoption of Resolution No. 479 on September 28, 1980. Coming within a week of the commencement of open hostilities between Iran and Iraq Resolution 479 (1980), possibly representing the Security Council's immediate concern for putting

13. *Ibid.*, p. 2.

14. *Ibid.*, p. 2.

15. Document No. S/1496. Security Council Official Records. Thirty-Fifth Year, Supplement For July, August and September 1980 (New York : United Nations, 1982),

a halt to and preventing the further escalation of the conflict, called for an immediate cessation of hostilities and requested the belligerents to strive for the resolution of differences by peaceful means. The question of blameworthiness for initiation of the conflict was however not addressed by the Resolution¹⁶. The logic of this may have been that the overt Iraqi aggression and violation of the territorial integrity and political independence of Iran was no more condemnable, than Iran's covert military and propaganda actions against Iraq in the period immediately preceding September 22, 1980. Thus both Iran and Iraq were at the date of the Resolution in violation of Article 2, paragraph 4 of the Charter. On the other hand, the Security Council had considered it important to address the issue only after Iraqi forces had crossed the border into Iran and remained in physical occupation of Iranian territory. The Security Council though not apparently ignoring the dictates of the Charter, nevertheless may have ignored its spirit. This oversight on the part of the Security Council played into the hands of the Iranians. Resolution 479 (1980) suited Iraq well. Taking advantage of Iran's greatly weakened military, its domestic turmoil and self-imposed isolation¹⁷ Iraq sought salvation from Iran's "subversive potential"¹⁸ by swiftly moving into Iran's Khuzestan province, destroying military and oil installations therein and then sitting back to bargain over border settlements. Resolution 479 therefore came as a bonus for Iran which immediately agreed to put a halt to hostilities¹⁹. On the other hand, Iran feeling compelled to "defend" itself, had advantageously found yet another cause to conduct a holy war against Iraq which would do much to sustain the momentum of its two year old Revolution. If

16. "Council Calls On Iran And Iraq To Settle Disputes Peacefully" *U.N. Chronicle*, Volume XVII, No. 9 (November 1980), pp. 5-8.

17. Mark Heller, *op. cit.* p. 9

18. *Ibid.*

19. Document No. S/14203 : Letter of the President of Iraq, Saddam Hussein, September 29, 1980.

not the victor, it would have to emerge unscathed from the war in the sense of not having compromised its revolutionary objectives. Iran interpreted the absence in Resolution 479 (1980) of an outright condemnation of Iraq for initiating the conflict as a concession unduly accorded to its opponent and as an attempt by the hostile international community to force Iran into a compromising position. A fatal blow was therefore dealt to Resolution 479 (1980) by a message of October 1, 1980 from the President of Iran, Abolhasan Bani-Sadr to the Secretary General stating that so long as Iraq remained in violation of Iran's territorial sovereignty, Iran saw no use in any discussion, directly or indirectly, concerning the conflict between the two countries²⁰.

Within the first six months of Secretary General Pérez de Cuéllar's tenure of office, the Security Council again responded to the Iran-Iraq conflict by adopting on July 12, 1982 Resolution No. 514. In making his observations in his first annual Report to the General Assembly two months later, the Secretary General may have had Resolution 514 (1982) as a good example of the Security Council's inflexible attitude.

Resolution 514 (1982) was very similar to Resolution 479 (1980) in terms of what it didn't contain, i.e., an explicit condemnation of Iraq's initial act of aggression and a demand that Iraq restore the conditions prevailing before the outbreak of the war. More significantly, Resolution 514 (1982) was the first resolution to be adopted by the Security Council since Resolution 479 (1980) of nearly twenty-two months ago during which the two parties to the conflict had experienced a turn of fortunes. Iraq had successfully launched its first stage of aggression between September and November 1980, but remained unsuccessful in accomplishing its main political objective of overthrowing the Khomeini regime.²¹ Throughout 1981

20. "Council Calls On Iran And Iraq To Settle Disputes Peacefully", *U.N. Chronicle*, Volume XVII No. 9 (U.N. Department of Public Information : November 1980) : pp. 5-8.

21. Mark Heller, *op. cit.*, p. 10

Iran remained in relative command of the war ultimately resulting in its success of pushing back Iraqi forces from its territory between March and May 1982. By July 1982 Iranian forces displayed potential to move into Iraqi territory for the first time in the war.²² From Iran's point of view it was therefore extremely propitious for Iraq that the Security Council should suddenly be drawn from its lull of twenty-two months to display a renewed interest in the resolution of the conflict. The Security Council had however gone noticeably further than it had under Resolution 479 (1980) in deciding under paragraph 3 of Resolution 514 (1982) "to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal, and (requested) the Secretary General to submit to the Security Council a report on the arrangements required for that purpose,"²³ To this the Iraqi response was positive and it immediately informed the Secretary General of its willingness to co-operate in the implementation of the Resolution.²⁴ Iran's response was to dissociate itself 'from any action taken by the Council so far as regard to the Iraqi war of aggression against Iran.'²⁵ Iran however qualified its statement of dissociation by stating its intention "to co-operate with the Council in case in the future it deems it appropriate to take its responsibilities seriously and deal with the realities existing on the scene."²⁶ Iran was further of the view that until the Security Council had come to terms with its obligations, it would have to bear the full "responsibility of any consequence of its negligence to date."²⁷ There

22. *Ibid.* Having crossed into Iraq in July 1982 with the intention of capturing Basra, Iranian forces were unable to achieve their objective in face of fierce Iraqi opposition and were beaten back with heavy casualties.

23. See Document No. S/15293: Report of the Secretary-General in pursuance of paragraph 3 of Security Council resolution 514 (1982), July 15, 1982.

24. *Ibid.*, paragraph 4.

25. *Ibid.*, paragraph 5; Document No. S/15292.

26. Document No. S/15292.

27. *Ibid.*

was obviously little in the Iranian statement that betrayed its understandable satisfaction over how the Security Council's "negligence" had positively contributed to firmly establish the Iranian design of sustaining its revolutionary regime over as long a period of time as possible by mobilising both nationalist sentiment and religious zeal for a popular and a prolonged war effort.

The stalemate in UN peace-making initiatives was matched equally by a lack of progress on the strategic front by both sides. By 1983 logistical weakness on the Iranian side and operational weaknesses of the Iraqis led to a strategic stalemate with both sides confronting each other "along a front roughly congruent with the prewar border."²⁸ "By mid-1983, both sides appeared to be pursuing a strategy of attrition, each depending on intensified economic and social strains in the adversary's camp to produce political upheaval and the collapse of the enemy regime."²⁹

The war of attrition involved a diversification of warfare tactics ranging from outright propaganda³⁰ to the escalation of the air

28. Mark Heller, *op. cit.*, p. 10

29. *Ibid.*, p. 11

30. That propaganda efforts were often carried out to a ridiculous extent is well exemplified by the following—

On February 7, 1983 Radio Tehran was broadcasting advice to Iraqis on how to oust Saddam Hussein and pave the way for the Islamic Army to establish a Republic of God in Kerbela, Najaf and Samarra, Document No. S/15744. Security Council Official Records, Thirty-Eighth Year, Supplement For April, May and June 1983 (New York: United Nations, 1984), pp. 45-46. On the other hand, the fact that propaganda verging on being ridiculous could put Iraq on the defensive is clearly shown by Saddam Hussein's message to the Iranian people, of February 13, 1983 in which he stated that the "merchandise" that the Iranian regime was trying to export to Iraq and other Arab countries was the one that had crippled Iranian society and was no acceptable to the people of Iraq who "refuse to be humiliated to the point of being liberated by Iraq. He further stated that "an end to the fighting would put the (Iranian) regime in the position of being unable to tackle the difficulties inherent in the

war over the Gulf und intensified attacks on civilian population centres. Iran had successfully responded to the initial Iraqi aggression of September 1980 by attacking Iraqi oil facilities on the Persian Gulf and by persuading its ally Syria to cut the pipeline flow of Iraqi oil through Syrian territory to the Mediterranean.³¹ In 1982 Iraq responded by declaring an "exclusionary zone" in the Gulf in which all "enemy vessels" carrying Iranian oil would be subject to Iraqi attack³² and by 1984 was intercepting and restraining Iranian shipping in the Gulf.³³ This systematic interdiction of tankers carrying Iranian oil prompted Iran to retaliate by attacking ships calling on Kuwait and Saudi Arabia, allies of Iraq in the war³⁴. This being a clear indication of the conflict extending to third party states³⁵ and endangering not only regional and international peace and security but the world economy as well. Security Council responded by adopting Resolution 552 (1984) condemning and demanding an end to attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia also demanding that there be no attacks on ships that are en route to and from states that are not parties to the conflict.³⁶ However inspite of

internal situation. . . . It is clear that the regime is able to establish relationship with its people only in situations of crisis.": Document No S/15636. Security Council Official Records, Thirty—Eighth Year, Supplement For January, February and March 1983 (New York : United Nations, 1984) pp. 54-56.

31. John Tessitore and Susan Woolfson, (eds); *Issues Before The 42nd General Assembly Of The United Nations*, An Annual Publication Of The United Nations Association Of The United States Of America (Lexington, MA/Toronto: Lexington Books, D.C. Heath and Company, 1988), p. 8
32. *Ibid.*
33. *Ibid.*
34. *Ibid.* p. 9.
35. Iranian attacks on ships in the Gulf led to the downing of an Iranian fighter by Saudi warplanes in June, 1984. *Ibid.*
36. "Secretary-General suggests Security Council ministerial-level meeting to explore Iran-Iraq situation : Also asks for investigation of responsibility for initiation of conflict", *U.N. Chronicle*, Volume XXIV No. 2 (U.N. Department Of Public Information: May 1987), p. 14.

Resolution 552 (1984) the air war over the Gulf continued undeterred.³⁷

At this juncture, the general assumption that in certain cases the very fact that the Security Council is seized of an issue, has the effect of dramatising the issue resulting in entrenched, rigid and formal positions,³⁸ can be said to have been applicable to the Iran-Iraq conflict. The conflict displayed no signs of either wearing itself out or of paying any heed to international opinion and concern as expressed in the various Security Council resolutions. The Secretary General may be taken to have assumed that four years of failed deliberations had probably not yet fully exhausted the parties' sense of flexibility and he sought to take advantage of that before the remnants of the same had irreversibly been replaced by greatly hardened positions.³⁹ By 1984 the time was right for adopting more productive procedures at conflict settlement through pragmatic non-confrontational peace-making based on a realistic awareness of facts. This the Secretary General sought to accomplish, as was seen, through a more intensified process of sending special representatives, fact-finding and observer missions to the two countries. But keeping in mind the observations made by him in his 1982 Report on the work of the Organization, it was the Secretary General's intention to act as a facilitator in the UN conflict

37. John Tessitore and Susan Woolfson, (eds), *op. cit.*, p. 3

38. Diego Cordovez, *op. cit.*, p. 166

39. "The Secretary-General's interventions (can) be even more useful and influential if extended before the flare-up of a given crisis. Debates in the United Nations tend to register the positions of the parties publicly and commit governments to policies they cannot easily abandon without loss of face and prestige. It is precisely in situations where disputes have not been the subject of public deliberations, and governments remain more flexible, that the Secretary General's initiatives and inquiries are most effective.": Nabil Elarby, "The Office of the Secretary-General and the Maintenance of International Peace and Security", in *The United Nations and the Maintenance of International Peace and Security* (Dordrecht/Boston/Lancaster: Martinus Nijhoff Publishers, 1987), p. 201.

resolution process by undertaking to do that which his Office was best suited to do, i.e., conciliation through mediation and negotiation. By no means were his efforts to be interpreted as having absolved the Member States of the UN and especially the Security Council of their primary duty of working out an enforceable peace plan through ingenuity and the sincerest of efforts. On the other hand, his own objectives may rightly be presumed to have been to build on the well-tested objectivity of the Secretary General's Office, and take initiatives of proposing acceptable avenues of settlement of differences and as the initial step of an integrated process of conflict resolution bring about the harmonising of relationship not only among the belligerents, but especially between Iran and the Security Council.

It was Iraq that displayed the first indications of "flexibility" that the Secretary General was looking for in the belligerents. In 1982 "after the Iranians drove the Iraqi's back behind their borders, Iraq's military situation was desperate. Lacking both numbers and the overwhelming superiority in firepower and mobility that it would later achieve, Iraq was forced into a "hold-at-all-costs" policy of static defence. Despite the failure of Iran's hastily planned and poorly executed initial offensives, 1983 and early 1984 were desperate times for Iraq, when it looked as if the country would be defeated through sheer force of numbers."⁴⁰ Twice in 1983, Iraq in an almost unprecedented conciliatory gesture suggested its readiness (a) to sign a special peace treaty with Iran, under United Nations supervision, wherein the two parties would undertake not to attack each other's towns and villages in spite of the continuation of the war⁴¹, and (b) the conclusion of an agreement

40. David Segal, "The Iran-Iraq War: A Military Analysis", in *Foreign Affairs*, (Summer), 1988), p. 955.

41. Document No. S/15804. Statement made by Mr Tareq Aziz, Deputy Prime Minister and Minister For Foreign Affairs of Iraq, on 25 May 1983", Security Council Official Records. Thirty-Eighth Year. Supplement For March, April and May 1983 (New York: United Nations, 1984), p. 83.

to halt the war in the Gulf even if the fighting on the ground were to continue. Proposal (a) above came in the light of the visit to the two countries by a mission appointed by the Secretary General to survey and assess the damage to civilian areas in the two countries⁴³. The Secretary General having dispatched the mission pursuant to functions assigned to him under Security Council Resolution 514 (1982) and pursuant to a request made by Iran, maintained the objectivity of the mission and prevented its report from being used as an issue of contention by excluding from the missions terms of reference the authority to "ascertain the number of casualties or the value of property damage—"⁴⁴ and assigned the mission the responsibility of presenting to the Secretary General an objective report—"⁴⁵. It may therefore be assumed that the message of objectivity of the Secretary General's approach to the war was not lost on the two countries. This was put to the test by the Secretary General in June, 1984. With growing allegations by both parties of the other's indiscriminate attacks on its civilian population centres that Secretary General made an exception to the resort to the traditional methods of quiet diplomacy by making a public humanitarian appeal in the following words to the belligerents to desist from attacking each other's civilian population :

I call upon the Governments to declare to the Secretary General of the United Nations that each undertakes a solemn commitment to end, and in the future refrain from initiating, deliberate military attacks, by aerial bombardment, missiles, shelling or other means, on purely civilian population centres. May I suggest, with respect, that the

42. Document S/15825. Proposals of the President of the Republic of Iraq in Letter addressed to the Iranian people of 7 June, 1983, *Ibid.*, p. 106.

43. Document S/15804, 83.

44. Document No. S/15834. Report of the Secretary General on the mission to inspect civilian areas in Iran and Iraq which have been subject to military attack, *Ibid.*, p. 112-113.

45. *Ibid.*

holy month of Ramadan is a particularly appropriate time for both Governments to undertake this humanitarian pledge.⁴⁶

Through the appeal made on June 9, 1984 the Secretary General was able to elicit assurances from Iran of their resolve not to carry out deliberate military attacks on civilian population centres.⁴⁷

The moratorium took effect on June 12, 1984 and was followed on June 1 by the stationing of UN military observers in Baghdad and Tehran to verify compliance with the undertakings given by Iran and Iraq to observe that moratorium.⁴⁸ This moratorium "which was intended as a step in an incremental approach towards a peaceful solution of the conflict was maintained during nine months, after which it became obvious, however, that an integrated approach towards a settlement did not receive all necessary support."⁴⁹ The support in fact was negated by deepening of the cleavage between the two countries in the context of their relations with two of the Permanent Members of the Security Council, i.e. the United States and the Soviet Union. Both countries claimed neutrality in the conflict but in fact favoured Iraq.⁵⁰ In 1984 the United States restored diplomatic ties with Iraq and later removed

46. Document No. S/16611. Security Council Official Records. Thirty-Ninth Year. Supplement For April, May and June 1984 (New York: United Nations 1985), p. 126. ALSO, "A well-considered public appeal by the Secretary-General urging the parties in conflict to take specific steps may leave parties no choice but to react positively for fear of losing international support. By following this Procedure the Secretary General obtained formal obligations from Iran and Iraq not to attack each other's civilian population, Diego Cordovez, *op. cit.* p. 172.

47. *U.N. Chronicle*, Volume XXIV No. 2 (1987), p. 14.

48. Document No. S/16627. Letter dated June 14, 1984 from the Secretary-General to the President of the Security Council: Resolutions And Decisions Of The Security Council, Security Council Official Records, Thirty-Ninth Year (New York United Nations 1985), p. 11.

49. Diego Cordovez, *op. cit.*, p. 172

50. John Tessitore and Susan Woolfson, (eds). *op. cit.* p. 10

Baghdad from its list of state sponsors of terrorism, on which Tehran held a prominent place.⁵¹ In the same year United States and its allies introduced an arms embargo on Iran pursuant to "Operation Staunch".⁵² Further the Soviet Union which had bitterly criticised Iraq's invasion of Iran had since 1982 begun shipments to Iraq of new-model weapons, accompanied by Soviet economic and military advisers⁵³. Following a massive influx of Soviet arms in 1984, Iraq was finally able to abandon its thus far static defensive tactics for more flexible mobile ones.⁵⁴ Iran on the other hand relied on its allies i.e., Syria and Libya to supply it with Soviet-made Scud-A and Scud-B surface to surface missiles the range of which made Baghdad an easy hit from Iranian positions. Iraq was unable to retaliate with its own Scuds because Tehran is about 320 miles from the front, but several all-out raids on Tehran by Iraqi air force discouraged further Iranian missile attacks on Baghdad.⁵⁵ Further Iraq's resort to the use of mustard gas led to greater concern for the future trend of the already devastating war. In this emerging polarised situation the Secretary General remained essential for maintaining communications between the parties.⁵⁶

On March 17, 1985, the Secretary General met in New York with the Deputy Foreign Minister of Iran and the Deputy Prime Minister and Minister for Foreign Affairs of Iraq. The Secretary General was dismayed at the non-observance of the moratorium, on attacks on purely civilian areas, at the persistence of attacks on unarmed shipping and the use of chemical weapons in the course

51. *Ibid.*

52. *Ibid.*, p. 9.

53. *Ibid.*, p. 10

54. David Segal, "The Iran-Iraq War: A Military Analysis", in *Foreign Affairs*, (Summer, 1988), p. 956.

55. *Ibid.*, p. 958.

56. Report of the Secretary-General on the work of the Organisation: General Assembly: Official Records: 39th Session, Supplement No. 1 (A/39/1) (1984), 2.

of the hostilities presented proposals (the eight-point peace plan) to the two parties designed both to reduce the level of the conflict and to promote a cessation of hostilities.⁵⁷ The underlying premise of the proposals was that it was the constitutional responsibility of the Secretary General under the Charter to seek to end the conflict.⁵⁸ Those proposals had envisaged that both parties would enter into sustained discussions to deal with the issues of attacks on civilian population centres, use of chemical weapons, treatment of prisoners of war and safety of navigation and civil aviation, in the framework of broader efforts by the Secretary General to end the conflict.⁵⁹

That the efforts on the part of the Secretary General had injected a sense of motivation and conciliation among the two states was displayed by their willingness to accept the Secretary General's offer to travel to Baghdad and Tehran for a comprehensive discussion concerning the conflict. The visit that took place between April 7-9, 1985, convinced the Secretary-General of the two countries' desire for peace and that his Office, in their opinion, was the sole repository of the ability to achieve that desired goal. Though the Secretary General found this positive attitude of the two countries to be commendable and encouraging, his discussions with Iranian officials convinced him of the need to restore trust and understanding between Iran and the Security Council.

As he had stressed in his first Report to the General Assembly in 1982, the basis of a successfully negotiated peace settlement was a concerted effort on the part of all the organs of the United Nations, so he also asserted that on no account did he want his Office to

57. Document No. S/17097.

58. "Secretary-General discusses 'outline plan' during trip to Teheran, Baghdad: 'Big Five' Foreign Ministers call Council resolution 598 'sole basis, for settlement," *U.N. Chronicle*, Volume XXIV No. 4 (U.N. Department Of Public Information: November 1987), p. 17.

59. *Ibid.*

emerge as the sole repository of conflict resolution power supplementing the Charter-based system. Prospects of a peaceful world lay not in the sole efforts of an individual with functional limitations and without ability to enforce compliance but in the hands of the impartial Security Council duly assisted in its work by the Secretary General. "Experience clearly suggests that the political potential of the office of the Secretary General is best served by supplementary diplomatic techniques uniquely suited to the office, that is, by complementing rather than duplicating the functions of the deliberative organs."⁶⁰ Further as the Secretary General himself noted, the delegation of responsibility to the Secretary General may in certain cases have the effect of diminishing the effort that is expected of Member States under the Charter.⁶¹ These points were pressed on him by the Iranians in April 1985. In his Report of April 12, 1985 to the Security Council on his just concluded visit to Iran and Iraq, the Secretary General expressed the Iranian position in the following terms :

In the Islamic Republic of Iran, my interlocuters brought home to me forcefully, and in some detail, their sense that since the beginning of the conflict the actions of the Security Council had not been impartial and just. Iran resents the fact that, in its view, the Council has failed in its duty to condemn the aggressor and has not taken appropriate action to counter violations of international humanitarian law of which Iran has been victim. Iran feels that this perceived attitude of the Council constitutes a serious obstacle, and believes that an important element in order to start any process towards peace would be for the Council to rectify its past.⁶²

60. Diego Cordovez, *op. cit.*, p. 165

61. Report of the Secretary-General on the Work of the Organisation. General Assembly: Official Records: 40th Session, Supplement No. 1 (A/40/1) (September 4, 1985), p. 5.

62. Document No. S/17097. Report of the Secretary-General on his visit to Iran and Iraq. Security Council Official Records. Fortieth Year. Supplement For April, May and June 1985. (New York: United Nations 1986), pp. 21-22.

The Secretary General also mentioned the fact that he had advised Iran to explain its position directly to the Security Council.⁶³ This was an important suggestion since Iran had thus far refrained from participating in the debates and deliberations in the Council concerning the conflict.⁶⁴ Not only was the Secretary General's suggestion aimed at giving Iran a legitimate voice in the international arena but for the Security Council to understand that Iran in spite of its aggressive foreign policy and fiery rhetoric could in certain instances have genuine grievances which demanded the attention of the world body.

Further in the same Report the Secretary General mentioned that he had conveyed to both the Governments his personal commitment to continue with his efforts. To that end, he strongly believed that as a first step it was essential for the Security Council to "extend an invitation to the Islamic Republic of Iran and the Republic of Iraq to take part in a renewed examination of aspects of the conflict (and hoped) that the international community would marshal anew determined efforts to explore every avenue that might end the conflict. . ."⁶⁵ There was further reference to the fact that while these essential steps towards achieving the goal of resolving the conflict were being undertaken, the Secretary General was legally obliged to mitigate the effects of the war, under recognised international humanitarian rules, in areas such as attacks on civilian population centres, use of chemical weapons, treatment of prisoners of war and safety of navigation and civil aviation⁶⁶

The Secretary General's Report of April 12, 1985 mentioned above could at a superficial glance create the impression of the

63. *Ibid.*

64. Document No. S/15448. Security Council Official Records. Thirty-Seventh Year. (1982), p. 7.

65. Document No. S/17097. Report of the Secretary-General on his visit to Iran and Iraq, Security Council Official Records. Fortieth Year Supplement For April, May and June 1985. (New York: United Nations 1986) p. 22.

66. *Ibid.*

Secretary General's attempt to fight Iran's cause in the Security Council. But adjudged from the point of view of a realistic assessment of the limitations of the Secretary General's ability to bring about end to the conflict without any concrete assistance from the Security Council, the Report clearly appears as an appeal to the Security Council to give the Secretary General a helping hand. That the Secretary General had thus far acceded to all requests made by Iran for fact-finding missions, proposals aimed at mitigating the effects of the war is because that is exactly what the Secretary General considered best suitable for him to undertake. To many his actions may have violated the principles of objectivity on which his Office is based. However, a more critical analysis of the circumstances in which the Secretary General was operating at the time reveals that it was his very objectivity that induced him to act as a spokesman for Iran in front of a world community, hostile and in most instances justifiably so, to Iran. The Secretary General's appeal was that hostility should not have been brought within the walls of the Security Council. The report further clearly pointed out that the resort to his "good offices" and acceptance of his eight-point peace plan were simply some of the means necessary to achieve the desired end; these were not to be taken, either by the Security Council or by the belligerents, as the sole means or as ends for themselves.

On April 25, 1985 the Security Council undertook to consider⁶⁷ the Report of the Secretary General on his visit to Iran and Iraq and a letter dated April 17, 1985 from the Secretary General to the President of the Security Council in which the Secretary General submitted the report of a specialist mission recently assigned by the Secretary General to examine Iranian victims of chemical weapons

67. Document No, S/17130. Resolutions and Decisions of the Security Council 1985, Security Council Official Records: Fortieth Year (New York: United Nations, 1986) pp. 6-7.

hospitalised in Europe.⁶⁸ The Secretary General had assigned the mission for the "purpose of obtaining an authoritative and independent opinion" on allegations by Iran concerning the use of chemical weapons by Iraq.⁶⁹ The mission's report of April 8, 1985 concluded that chemical weapons had been used "affecting" Iranian soldiers during March 1985.⁷⁰ The report was however silent as to Iraqi complicity in the use of chemical weapons against Iran.⁷¹

The Security Council on consideration of the said reports declared that it was "appalled that chemical weapons have been used against Iranian soldiers during the month of March 1985..." and strongly condemned "the renewed use of chemical weapons in the conflict and any possible future use of such weapons,"⁷² The words "against Iranian soldiers" were as clear indication of the much softened attitude of the Security Council towards Iran. In considering a similar report exactly a year ago, the report having concluded that chemical weapons had in fact been used in Iran⁷³, the Security Council responded merely by condemning the use of chemical

68. Document No. S/17127 And ADD. 1. Security Council Official Records. Fortieth Year Supplement For April, May and June 1985. (New York: United Nations 1986), pp. 48-49.

69. *Ibid.*

70. *Ibid.*

71. An interesting point mentioned in the report was that the persons examined could not state the precise date of the attack in view of the elapsed time (the report however itself pointed out that only about 25 days had elapsed between the date of attack and that of observation) and the difference in calendars, and more interesting, all had difficulty in precisely locating the geographical site at which they were hurt. Further there is no mention in the report of the fact the nature of chemical weapons used in this instance could necessarily result in a memory loss of the victims.

72. Document No. S/17130. Resolutions and Decisions of the Security Council 1985. Security Council Official Records: Fortieth year (New York: United Nations, 1986) pp. 6-7.

73. Document No. S/16433. Security Council Official Records, Thirty-Ninth Year. Supplement For January, February and March 1985. (New York: United Nations 1985) 108-114.

weapons without making any mention of either Iran or Iranian casualties.⁷⁴ In April 1985 it was not the report of the specialist mission but the contents of the Secretary General's Report of April 12, 1985 which proved to be the most important determinant of the Security Council's change of outlook. More important in terms of adopting a pragmatic approach to the resolution of the conflict, the Security Council in obvious deference to the Secretary General's Report declared its readiness "to issue at the appropriate moment an invitation to both parties to take part in a renewed examination of all aspects of the conflict."⁷⁵ By referring to the desire to examine the conflict in all its dimensions the Security Council thus paved the way for the possible analysis of the problem of who among the belligerents was to be blamed for the initiation of the hostilities. The Iranian response to this move made by the Security Council was positive. In a letter dated February 19, 1986 to the Secretary-General⁷⁶ Iran declared that it did not wish "to underestimate" the Security Council's "only ... constructive contribution to peace" to date, i.e., the statement of April 25, 1985.⁷⁷ That statement, the Iranians added, "served as a step towards developing a spirit of understanding between the victimised people of Iran and the international body", and that the initiative now lay with the Security Council "to enhance this spirit of understanding."⁷⁸ The letter also expressed its indebtedness to the Secretary General for his

74. See statement of March 30, 1985 made by the President of the Security Council, Resolutions and Decisions of the Security Council, Security Council Official Records. Thirty-Ninth Year 1984. New York : United Nations, 1985) p. 10.

75. Document No. S/17130. Resolutions and Decisions of the Security Council 1985 Security Council Official Records: Fortieth Year (New York : United Nations, 1986), p. 7.

76. Document No. S/17849. Security Council Official Records, Forty-First Year, Supplement For January, February and March, 1986. (New York : United Nations, 1987), pp. 84-85.

77. *Ibid.*

78. *Ibid.*

"impartiality and objectivity and (his) good-offices (and) positive efforts towards the limitation of (the) conflict within international regulations and the reduction of the possibility of the escalation of war"⁷⁹. Iran also called upon the Security Council to reaffirm the Secretary General's mandate to enable him pursue his constructive efforts and expressed the belief that his efforts along with the statement of April 25, 1985 and the eight-point peace plan, constituted "a constructive framework for further co-operation between ... Iran and the international body towards a just conclusion of the conflict."⁸⁰

On February 24, 1986 the Security Council adopted a resolution which reflected a growing initiative on its part to adopt a conciliatory attitude towards Iran even though by that point of time the war had entered its sixth year through an Iranian initiated offensive into Iraqi territory. Taking note of the mediation efforts pursued by the Secretary General thus far, Resolution 582 (1986)⁸¹ marked an important departure from the text of the other resolutions adopted by the Security Council on the Iran-Iraq issue in that it deplored "the initial attacks which gave rise to the conflict betweenIran and Iraq...."⁸² Though considerably low-keyed in its apportionment of liability to Iraq for beginning the conflict, the Security Council had nevertheless taken yet another "positive step"⁸³ in fulfilling the Iranian condition for peace.

By February 25, 1986 an Iranian offensive into Iraqi territory had escalated to the point where Iran was again alleging the use

79. *Ibid.*

80. *Ibid.*

81. Resolutions and Decisions of the Security Council, 1986, Security Council Official Records: Forty-First Year, (New York: United Nations, 1987), p. 11.

82. *Ibid.*

83. Document No. S/17864. Letter dated February 25, 1986 from Iran to the Secretary-General, Security Council Official Records, Forty-First Year, Supplement for January, February and March, 1986. (New York: United Nations 1987), p. 93.

of chemical weapons by Iraq and again as so many times on previous occasions, requested the Secretary General to dispatch an investigation mission to the area. Immediately upon the adoption by the Security Council of Resolution 582 (1986), the Secretary-General gave instructions for a special team of specialists to proceed without further delay to Iran. The mission conducted its investigation from February 26 to March 3, 1986 and in its report unanimously concluded that "on many occasions, Iraqi forces have used chemical weapons against Iranian forces. On March 21, 1986, the Security Council expressed its profound concern at the 'unanimous conclusion of the specialists that chemical weapons on many occasions have been used by Iraqi forces against Iranian forces, most recently in course of the present Iranian offensive into Iraqi territory.'⁸⁵ The Security Council had fulfilled Iran's request "to strongly condemn by name for its repeated and large-scale use of chemical weapons."⁸⁶ The Iranian response was an almost exuberant relief that "the condemnation of the present regime of Iraq has been achieved following the commendable efforts of the Secretary General."⁸⁷ At this point of time both the Secretary General and the Security Council could suppose that the major obstacle of Iranian obstinacy in refusing to co-operate with the Security Council had now been removed and that the Security Council was now in a position to take up Iran on its promise of

84. Document No. S/17911 and Add. 1. Report of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between the Islamic Republic of Iran and Iraq: note by the Secretary-General, *Ibid.*, p. 119.

85. Resolutions and Decisions of the Security Council, 1986, Security Council Official Records: Forty-First Year, (New York: United Nations, 1987), p. 12.

86. See Document Nos. S/17864 and S/17911.

87. Document No. S/17949. Letter dated 27 March 1986 from the representative of the Islamic Republic of Iran to the Secretary-General, Security Council Official Records, Forty-First Year, Supplement For January, February and March 1986. (New York: United Nations 1987), p. 153.

February 25, 1986 "to co-operate towards the prevention of the expansion of the war and the involvement of other countries therein."⁸⁸ But unfortunately, Iran from this point onwards proved to be as recalcitrant as it had been over the last few years. It was time to give serious consideration to whether Iraqi misgivings about Iranian sincerity were not after all well-founded. Iraq had throughout the last six years held that in responding to various Iranian requests, the Secretariat had enabled Iran to exploit the Secretary General's role for propaganda purposes⁸⁹. Iraq "would have earnestly wished the Secretariat to require...(Iran)... to accept in advance the Organisation's authority to settle the conflict" before acceding to all its demands.⁹⁰ That, as we have seen, is what the Security Council had to strive for on its own with him acting as a mere facilitator in the process. Further the Secretary General felt that to attempt to elicit an Iranian submission to the Security Council's authority at the very outset would be a futile process in face of the Council's initial mistrust of Iran.

Ever since the war began in 1980, Iraq remained consistent in its resolve to co-operate in a UN-negotiated peace settlement. Until that was achieved, Iraq argued that it was bound to resort to such methods of warfare as were made necessary by the dictates of the war. It remained critical of Iran in that the latter while ignoring all appeals for a comprehensive solution to the conflict time and again sought the solution to isolated issues on a priority basis. Iran therefore had always maintained that the humanitarian dimensions of the war were fully independent of the political aspects of the war. In this Iran much to Iraq's chagrin, had found a sympathetic listener in the Secretary General who believed in a graded approach to conflict resolution, excluding from

88. Document No. S/17864, 93, and Document No. S/17911 and Add. 1, p. 114.

89. Document No. S/16438, Security Council Official Records, Thirty-Ninth year, Supplement for January, February and March 1984, (New York: United Nations, 1985), p. 116,

90. *Ibid.*

within his purview the greater political task of bringing about an enforceable settlement to the conflict. However it goes to Iraq's credit that it never made its acceptance of the Secretary General's authority contingent upon a denial of assistance to Iran with regard to the "secondary" issues of the war. As early as 1983, in what seems as an attempt to thwart Iranian attempts at prolonging the war, Iraq on two occasions suggested the submission of the matter concerning the responsibility for the beginning of the conflict, to independent arbitration.⁹¹ That avenue remained unexplored both by the Secretary General and the Security Council till 1987.

On March 5, 1986 Iraq informed the Secretary General that it was ready to co-operate with the Security Council and the Secretary General to implement Resolution 582 (1986) (this inspite of the fact that the said Resolution implicitly blamed Iraq for initiating the conflict) provided Iran under takes to accept the same formally and made an effort to implement it unconditionally and in good faith.⁹² The year 1986 however saw Iran contributing to the escalation of the war with renewed vigour.

In the fall of 1986, Iran's flagging fortunes were bolstered by an astonishing windfall: the disclosure in October of secret sales of arms by the United States to Iran.⁹³ "Iranscam" emerged as a spectacular coup that ensured Iran's easy access to the international arms market.⁹⁴ In December 1986, Iran began its sixth winter

91. Document No. S/15826, Letter dated 10 June, 1983 from the representative of Iraq to the Secretary-General Security Council Official Records, Thirty-Eighth Year, Supplement for April, May and June, 1983. (New York: United Nations, 1984), p. 107; AND, Document No. S/15983, Letter dated 12 September, 1983 to the Secretary-General, Security Council Official Records, Thirty-Eighth Year (New York: United Nations, 1984), p. 87.

92. Document No. S/17897, Security Council Official Records, Forty-First Year, Supplement for January, February and March 1986 (New York: United Nations, 1987), p. 1. SEE ALSO, Document No. S/17911 Add. 1, *Ibid.*, p. 115.

93. John Tessitore and Susan Woolfson, (eds), *op. cit.* p. 8.

94. *Ibid.*, 9.

offensive in as many years and by January threatened to capture the Iraqi city of Basra.⁹⁵ The Secretary General barely masked his disappointment at Iran's betrayal of the spirit of understanding that had been built up between the world body and Iran in the wake of Resolution 582 (1986), when in a statement of January 6, 1987 he called for the earliest termination of the prolonged conflict and urged the parties, especially Iran, to co-operate with the Security Council and with his own endeavours to end the ruinous conflict.⁹⁶

The Security Council by early 1987 was again seized of the Iran-Iraq matter, when alarmed by Iran's latest winter offensive, the Secretary General secretly called the Security Council to address the Gulf war.⁹⁷ President Reagan's attempt to seek an "honourable end" to the Gulf was through the clandestine sale of arms to Iran⁹⁸ and a possible multiplication of similar such efforts must have duly alarmed the Secretary General. He realised that the first step to lessening international complicity in the war was to elicit from influential governments a resolve to steer clear of providing assistance to either of the belligerents. Suggestion on January 13, 1987 in a press conference at the UN Headquarters that there was then a need for a "meeting of minds at the highest political level", the Secretary General proposed that the Security Council consider convening an urgent meeting at the level of foreign ministers to deal with the continuing war.⁹⁹ He further

95. *Ibid.*

96. "Secretary-General suggests Security Council ministerial-level meeting to explore Iran-Iraq situation: Also asks for investigation of responsibility for initiation of conflict," *U.N. Chronicle*, Volume XXIV, Number 2, May 1987. p. 12.

97. John Tessitore and Susan Woolfson, (eds), *op. cit.* p. 11.

98. *Ibid.*, p. 8.

99. "Secretary-General suggests Security Council ministerial-level meeting to explore Iran-Iraq situation: Also asks for investigation of responsibility for initiation of conflict," *U.N. Chronicle*, Volume XXIV, Number 2 May, 1987. p. 12.

stated that the Security Council at the highest possible level had to understand that effective action was necessary to stop the conflict which thus far had not only been costly in terms of human lives but also had the potential to be extended to the whole area.¹⁰⁰ Further it was not to be forgotten that a lot depended on the conviction of the regional states to seek an end to the conflict. The Secretary General used the January 1987 summit meeting in Kuwait of the Organisation of the Islamic Conference as the forum to drive the message through to an essentially anti-Iranian audience possibly harbouring misgivings about the Secretary General's supposedly relaxed attitude towards Iran. Taking a cue from the Iraqi suggestion of 1983, the Secretary General proposed the creation of an adhoc committee of the Security Council as part of a new approach to investigate the issue of responsibility for initiation of the conflict between Iran and Iraq.¹⁰¹ Drawing attention to the futility of simply repeating appeals for peace, the Secretary General asked that if the issue of who started the war acted "as a knot that stifles mediation, (was) it not time to cut the knot by submitting the issue to impartial determination"?¹⁰² He further stated that only the parties directly concerned encouraged by the Governments of the region and by Conference participants to adhere to the findings of the adhoc committee, could provide the answer.¹⁰³

So far as Iran was concerned, the Secretary General's proposals made in Kuwait were a further indication of the extent to which the world body was prepared to go to impress upon Iran its objectivity in the handling of the matter. As the Secretary General had observed in the Kuwait summit, the Security Council members were engaged in a search for a "practical approach which would go beyond the mere adoptions" and which would "address and

100. *Ibid.*

101. *Ibid.*

102. *Ibid.*

103. *Ibid.*

articulate a set of effective measures covering all aspects of the conflict.¹⁰⁴

The seven-year conflict was also taking its toll on the Secretary General's ability to control the same; the only effective peace-making machinery was proving to be ineffective in the face of the obstinacy of the belligerents, the powers of which they were surrogates, their arms suppliers and last but not the least, the, thus far, ineffective resolutions of the Security Council.

Once Iraq had responded to Iran's latest offensive by characteristically stepping up retaliatory attacks on Iranian cities Iran in its own peculiar style once again approached the Secretary General to ensure a halt to "the war of the cities."¹⁰⁵ The Secretary General obliged by arranging such a halt in February only to see the resumption of the bombing of civilian targets within a short period of time.¹⁰⁶ Iran thereafter displayed the use of more varied and sophisticated arsenal both on land and in the Gulf, and in the case of the latter, drawing both the Soviets and the United States into the conflict in their attempts to protect their own ships and those of their allies from Iranian missile attacks.¹⁰⁷ The United States directly came to bear the effects of the war when in late May 1987 thirty-seven American sailors were killed in a missile attack on the frigate USS Stark by an Iraqi warplane. Iraq called the attack an accident.¹⁰⁸ This incident in May could not go unnoticed by the Security Council.

On July 20, 1987 the Security Council unanimously adopted Resolution 598 (1987). Demanding that as a first step to a negotiated settlement, Iran and Iraq observe an immediate cease-fire, discontinue all military actions on land, at sea and in the air, and

104. *Ibid.*

105. John Tessitore and Susan Woolfson, (eds), *op. cit.*, p. II.

106. *Ibid.*

107. *Ibid.* p. 11-12.

108. *Ibid.* p. 12.

withdraw all forces to the internationally recognised boundaries without delay, the Resolution among other things —

- (a) asked the Secretary General to explore, in consultation with Iran and Iraq, the “question of entrusting an impartial body with inquiring into responsibility for the conflict”,
- (b) determined that “there exists a breach of the peace as regards the conflict between Iran and Iraq, “and the Council was acting under Articles 39 and 40 of Chapter VII of the Charter,
- (c) decided that the Council would “meet again as necessary to consider further steps to ensure compliance” with the Resolution.¹⁰⁹

The resolution was hailed by Council members variously as “historic”, “evenhanded”, and capable to send a clear signal to both the belligerents. It was pointed out that Articles 39 and 40 of Chapter VII were the Charter’s most forceful provisions, that the Resolution was only the third in the life of the United Nations to exhaust all means envisaged in the Charter, and that for the first time ever, the Council was mandatorily deciding a cease-fire and withdrawal of troops.¹¹⁰

From Resolution 479 (1980) to Resolution 598 (1987), the Security Council had displayed an admirable transition from inflexibility and possible partisanship to pragmatism and political maturity. The man had facilitated that transition could see Resolution 598 (1987) as the embodiment of the Security Council’s renewed commitment to the purposes of the United Nations as envisaged in the Charter. Commenting on Resolution 598 (1987) immediately after its adoption, the Secretary General said that the Resolution was the culmination of the joint efforts by Council members to

109. “Security Council demands immediate cease-fire as first step towards negotiated settlement of Iraq-Iran war : Asks UN observers be sent to area.”, *U.N. Chronicle*, Volume no. XXIV, Number 2, May 1987, pp. 19-20.

110. *Ibid.* p. 20.

establish the basis for a comprehensive just and honourable settlement between Iran and Iraq.¹¹¹ He however qualified his statement by saying that so far as the ending of the war was concerned, it was necessary that along with the co-operation of the two belligerents, the national policies and actions of all Member States be harmonized with the Councils declared will.¹¹² Experience had shown the Secretary-General that neither would be forthcoming immediately or easily. It was nearly a year later that the Secretary General could draw full satisfaction from Resolution 598 (1987) in the following terms:

On August 20, 1988 a cease-fire was secured in the eight-year long Iran-Iraq war in the context of the full implementation of Security Council Resolution 598 (1987). Talks began between the two governments under the Secretary General's auspices on August 25, 1988. The entire process has exemplified the efficacy of a mandate entrusted to the Secretary General when actively supported by the Security Council and backed by the complementary efforts of the Member States.¹¹³

In the period between 1982 and 1987 the Secretary General had striven to achieve that sense of purpose and concerted effort within the world body which he eventually saw as having surfaced in the form of Resolution 598 (1987). It has been the purpose of this paper to chart the efforts of the Secretary General to that end in the period between 1982 and 1987.

If one is asked to make a general assessment of the nature of the Secretary General's contribution to resolving the Iran-Iraq conflict in the years between 1982 and 1987, one can say that the Secretary General's role was limited generally to 'good offices, procedures aimed at bringing the parties to the dispute together to negotiate a

111. *Ibid.*

112. *Ibid.*

113. Report of the Secretary-general on the work of the Organisation : General Assembly Official Records ; 43rd Session, Supplement No. 1 (A/43/1) (1988), p. 1.

settlement.¹¹⁴ Further his efforts at negotiation and mediation were also of a corrective kind often directed at the deterrance of an escalation or a renewal of violence.

Further, since (a) mediation and negotiation efforts by their very nature are not means of resolving a conflict or settling the peace,

(b) mediation and negotiation efforts are by their very nature complementary to the work of political arm of the conflict resolution machinery.

(c) a Secretary General's use of "good offices" efforts fail in certain cases due to the entrenched positions adopted by parties to the dispute and the inflexibility of the Security Council, and thereby exposes the frailty and limitations of a one-man peace effort conducted in the public arena of international politics,¹¹⁵ the Secretary General strove to open a channel of communication and understanding between the Security Council and thereby greatly enhanced the possibility of a collective and therefore an effective attempt at conflict resolution by the United Nations.

Considered on their own the various proposals, reports, the dispatch of investigatory missions etc., may not appear to represent significant contribution but in the context of the very nature of the conflict and world politics they were all steps of important consequence.

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114. Nabil Elaraby, "The Office of the Secretary-General and the Maintenance of International Peace and Security", in *The United Nations and the Maintenance of International Peace and Security*, *op. cit.*, P. 200.
115. Michael Harbottle, "The Strategy of Third Party Intervention in Conflict Resolution", *International Journal*, Volume XXXV. No. 1, (Winter 1979-80) pp. 119-30.