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**THE ISLAMIC REPUBLIC OF IRAN AT THE UNITED NATIONS:**

**A STUDY OF FOREIGN POLICY ISSUES, 1979 – 1989**

*by*

**PHILIP GEORGE PHILIP**

*A Thesis Submitted to the University of Kent at Canterbury*

*for the Degree of Doctor of Philosophy*

*in International Relations*

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England

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*To my parents*

*Lois and George Philip*

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## **Abstract**

This dissertation examines the foreign-policy of the Islamic Republic of Iran at the United Nations between 1979 and 1989, with reference to certain issues which were of significance to Iran and the international community during that period.

The dissertation is divided into two parts. Part I deals with Iran's diplomacy in the post-World War II and the pre-revolution period at the UN, and provides a historical backdrop to the evolution of Iran's foreign policy in the post-revolution period.

Part II examines the situation which followed the revolution of 1979, when the newly formed Islamic government utilised the United Nations to explain to the international community the significance of the changes which had taken place in Iran. Following from this, the study has chosen to examine three major issues, namely, Human Rights, the Iran-Iraq War and Disarmament, and the extent to which these issues influenced Iran's post-revolution foreign policy at the United Nations.

The dissertation has relied on information gathered from United Nations Documents, Iranian newspaper archives (Kayhan International), and personal interviews conducted in Geneva and Tehran.

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# **Chapter I**

## **Introduction**

This dissertation will undertake an examination of selected political issues which can be considered as being both crucial to post-revolution Iran's foreign policy and also of concern to the United Nations between the years 1979 and 1989. The UN has served Iran's foreign policy interests both in the pre- and post- revolution period mainly by providing a forum in which issues having a direct impact on national, regional and global policies were discussed, justified and even opposed by the two successive regimes.

Part I of this dissertation (Chapters II and III) deals with the pre-revolution period of Iran's diplomatic history at the United Nations, when it achieved some signal successes in using UN channels to fend off successive attempts at superpower intervention.

Chapter II seeks to bring out how Iran successfully used the newly-fledged United Nations system in the post-World War II period to develop what was to become in later years an independent foreign policy. The chapter also throws light on Iran's historical relationships with the Soviet Union, Britain and the United States of America, which serve as a backdrop to the examination of foreign policy issues during and after the Cold War period.

Chapter III sets out to encapsulate the evolution of Iran's foreign policy in the Cold War period. Firstly, it examines Iran's actions in the United Nations in relation to its overall security concerns vis-à-vis the superpowers, including those relating to regional politics and those affecting its national interests. Secondly, the chapter signals certain core security concerns, some of which were subsequently transformed while others continued unchanged, but all of which came under threat in the post-revolution period.

Part II (Chapters IV to VIII) will examine the situation which followed the Iranian revolution of 1979. The United Nations was utilised by the Islamic government as a platform from which it explained to the international community the significance of the radical changes which

had taken place in Iran. It did this by discrediting the excesses of the ancien regime and by laying the ultimate blame for those excesses on the corrupting influence the superpowers (especially the United States) had on the psyche and morale of the Iranian nation.

When it became clear that the clerical elements loyal to Ayatollah Khomeini had come to gain the upper hand over other competing groups like the nationalists, socialists, leftist and liberals, outside observers were given a fair idea of what to expect from the nascent Islamic Republic especially in the area of international relations and politics. In this regard, the foreign policy formulated by the revolutionary government went through a number of phases, often setting the pace and agenda for the more powerful actors in the international political system to follow and respond to. This was also reflected within the United Nations, where Iran sought to justify some of its own domestic and foreign policy actions in the name of anti-imperialism and the need to rid its political environment of evil and counter-revolutionary forces.

In this context a domestic issue which drew the attention of the United Nations and proved to have considerable impact on Iran's foreign policy was the question of human rights. While Chapter VI deals with the subject in a detailed manner, it would be in place to signal the type of conceptual problems which make international human rights provisions incompatible with the code of practice followed in Iran.

It can be assumed fairly accurately that the Universal Declaration of Human Rights, the grand charter of international rights – while being a worthy document – nevertheless developed from within a Western tradition, following the scourge of the Second World War. Seyyed Hossein Nasr, a prolific writer on various aspects of Islam, states that even a fundamental concept such as freedom, which is a crucial component of human rights, has evolved differently in Islam and in Western philosophical thought. He asserts that the

"concept of freedom in the Modern West is so deeply affected by the Renaissance and post-Renaissance concept of man as being in revolt against heaven and master of the earth that it is difficult to envisage the meaning of freedom in the context of a traditional civilisation such as that of Islam".<sup>1</sup>

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<sup>1</sup> Seyyed Hossein Nasr, "The Concept and Reality of Freedom in Islam and Islamic Civilisation", in Alan S. Rosenbaum (ed.), *The Philosophy of Human Rights: International Perspectives*, Westport, Connecticut, Greenwood Press, 1980, p.95.

These and other conceptual differences are dealt with in Chapter VI of this thesis, in addition to a study of the reasons why Iran had difficulty in acceding to the United Nations' international human rights policy.

Before the onset of the Iran-Iraq war in 1980, the Islamic government saw the United Nations as an impartial body whose members were sympathetic to its revolution. The alacrity with which the international community recognised the revolutionary government in Iran, solved the problem of recognition. "A state that chooses its form of government has, if it is to continue to deal with other states, first of all to be recognised by them." While this was generally welcomed by the revolutionary leadership, the new government often felt vulnerable to pressure from other states who made "use of its desire for recognition to try to force it to behave in a way that suits their interests ... continued failure to recognise it may well have no significant effect on its internal politics, but it can and does act to reduce its influence in world affairs"<sup>2</sup>.

In this regard the members of the United Nations Security Council and a block of countries belonging to the United Nations General Assembly were unwilling to condemn Iraq for its open aggression, because they felt it would balance the perceived threat they felt emerging from Islamic Iran. As demonstrated in Chapter VII of this thesis this made policy-makers in Tehran to view the United Nations' primary political organ, as being unable to fulfill its role of maintaining international peace and security, and as serving only as a tool of American foreign policy. For the revolutionary leadership in Tehran, neither the General Assembly nor the Group of Non-aligned states at the UN, were sufficiently radical in pursuing the path of "true non-alignment" in matters of international politics. However, during this period the role of the United Nations Secretary General and the Secretariat took on new significance in Iran's foreign policy process. The office and personage of Secretary General Perez de Cuellar came to play an important part in Iran's foreign policy at the UN, because of the trust the former was able to instill in the policy-makers in Tehran. The shift of negotiations concerning the Iran-Iraq War to the Secretariat brought about by

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<sup>2</sup> Peter Calvert, *Revolution and International Politics*, London, Frances Pinter, 1984, p.151. Especially see Chapter Seven of his book "Diplomacy and Revolution".

Iran's refusal to cooperate with what it considered as the biased policies of the Security Council can be seen as the main reason why the UN was able to remain as the primary mediating body and ultimately responsible for bringing one of the most destructive wars of this century to a close.

Another important issue to effect Iranian foreign policy and one which was a direct outcome of the Iran-Iraq War was the use of chemical weapons and the related question of disarmament. In Chapter VIII of this thesis it is shown that Iran was unable to exercise the chemical weapons option unlike Iraq as part of its battlefield strategy during the Iran-Iraq War. As for the overall question of disarmament within the framework of the United Nations Conference of Disarmament (of which Iran is a founding member), Iran's stance continues to be determined by regional security demands which have gone through considerable change in the post-Shah period. After the demise of the Pahlavi regime Iran rejected the security structure imposed upon the region by the United States and came to base all matters of state including security on the doctrine of 'Independence, Freedom and the Islamic Republic'. While the doctrine itself has never clearly been defined beyond following a policy of non-alignment (neither East nor West), it signified a departure from the pro-Western strategic thinking of the Pahlavi regime.

After the political upheavals of 1978-1979, Iran experienced a thorough change of its political structures, these changes in Iran brought about substantial changes in its relations with the United Nations. Progress on issues governing relations between itself and the world body in the first decade of the revolution either remained functional governed by mutually beneficial parameters, or were rendered non-functional and obsolete.

However, the two principal reasons why this dissertation has chosen to examine Iran's foreign policy at the UN are because however broad the applicability of the UN Charter may seem to be, it does represent at some point the realities which surround the aspirations and aims of all nations. "The hope is that common respect for the principles of international behaviour within the UN will ensue balance between the pursuit of legitimate national aspirations and the realities of power in the world"<sup>3</sup>.

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<sup>3</sup> Quoted from Erik Jensen's speech to the Eighth Annual Conference of the Irish National Committee for the Study of International Affairs, November 29, 1985. *Irish Studies in International Affairs*, Vol.2, No.2, 1986.

Secondly, historically there has always existed a real relationship between Iran and the UN. The former remains a full member of the organisation and as the thesis will demonstrate needed the world body to achieve set foreign policy objectives, which included the resolution of disputes.

The dissertation has relied mainly on information gathered from United Nations documents, documents pertaining to the Non-Governmental Organisations accredited to the United Nations, archives of Kayhan International in Tehran and interviews and field research conducted in Iran and Geneva.

# Part I

## Chapter II

### The Iranian Case of 1946 at the United Nations: The Beginning of Iran's Foreign Policy Trends

#### Introduction

The Iranian case at the United Nations in 1946 marked a landmark in modern world history. It derived from a century and a half of Great Power politics which had "conspired" to bottle down Persia's reasonable national aspirations. But Persia/Iran adroitly used the platform afforded by the brand new United Nations Organisation to show that small countries at last had leverage that they could deploy even against Superpowers. Although Stalin's Soviet Union was at that time treated by all parties concerned "with kid gloves", Stalin was in effect brought to heel and the United Nations was seen to have been successful in restoring peace to a potential trouble-spot. In a more negative sense, the Iranian case can also be seen as a first ranging shot in the early dissensions between the Soviet Union and the Western powers which were presently to be known as the Cold War. And the case set Iran's national foreign policy on the road that was to lead inexorably to the Islamic Revolution of the late 1970s.

The main focus of this chapter will be on Iran's relations with the United Nations prior to 1979 with emphasis on the events and politics which characterised this period, directly involving the United Nations, Iran and the principal powers, the Soviet Union, the United States and Britain. The Iranian Case of 1946 will be examined in particular. This well documented case when analysed will serve as the basis of a historical framework for analysing subsequent relations between the United Nations and Iran, especially those after the political upheavals in Iran in 1978-79 to be discussed in later chapters.

Chronologically the period covered in this chapter stretches from as far back as 1800 to the years immediately after the establishment of the United Nations. While the newly established global organisation had become an integral part of great power global relations, it nevertheless

served as the main avenue of approach and the major outlet for political expression in the case of small states.

It will be the aim of this chapter to bring out the particular relationship between the United Nations and Iran, in the immediate post-World War II era. The development of this relationship between the United Nations and Iran will be set in a historical framework of reference, namely the early stages of the Cold War.

That Iran had not developed any salient commitments to further its foreign policy objectives but was being forced into relationships by powerful nations is a political fact that emerges from this chapter. Also evident is the role played by the newly established United Nations in serving the interests of the powerful nations. In this context it is proposed to examine whether Iran's association with the United Nations helped it to lay the foundations of an independent foreign policy.

The approach of this chapter is historical in nature. It will trace the events which preceded Iran's presentation of its case to the United Nations in 1946. Thereafter what transpired in the Security Council between Iran and the member states will be addressed. The perspective of this chapter can be summed up as answering the question – what was at stake at the global level for Iran, and for the main protagonists of the period, when the case of 1946 was tabled?

In reviewing the events of 1946 concerning the United Nations and Iran, the early 20th century Iranian policies vis-a-vis the Soviet Union, Britain and the United States of America need to be objectively understood, for this is what primarily conditioned the handling of Iran's post-war dispute with the Soviet Union – the Iranian Case of 1946. The Iranian Case of 1946 was the first such case to be presented at the Security Council of the United Nations. This implies that it was looked upon by the international community as a crisis, one which threatened international peace and security and amounted to direct interference in the domestic affairs of sovereign states.

An appropriate preamble to the Iranian Case of 1946 is to examine the historical background, which is crucial to understanding how the events developed and, more importantly, how they i.e. the events enabled Iran to handle the situation at a global level.



## I. A Historical Preamble: Persia's Relations with Britain and Russia 1800-1941

The unique strategic location of the Middle East has been a prime reason for power rivalries erupting periodically in this area. With the building of the Suez Canal in 1869, the strategic importance of the area gained even greater significance and substantially increased the volume of trade between East and West.<sup>1</sup> Moreover, the discovery of oil resources further enhanced the value of the Middle East and influenced the political stance of the great powers.

In the late 19th century and early 20th century, when the colonial empires of Britain and Imperial Russia still played a large role in world politics, Persia's strategic location took on particular significance. In the east it allowed access to India and Central Asia and, toward the South, to the warm water ports of the Persian Gulf. To the West lay the gateways to Arabia and Turkey, and to the north stood Russia.

Given this special geographical location of Persia, between the expansionist Russian power in the north and the status-quo consolidated power of the British empire in the south and east, Persia became a pawn in the game of Anglo-Russian power politics.<sup>2</sup> In 1800, in a move to protect her economic interests in India, Great Britain entered into a pact with Fateh Ali Shah, monarch of Persia, against France and Afghanistan. After the demise of both Napoleon and the Afghan leader, Zaman Shah, the new threat to British interests came from Russia. This was the genesis of Anglo-Russian rivalry. Britain wanted to maintain Persia as a buffer state separating Russia from India, and Russian took steps to consolidate her empire territories along Persia's northern frontiers.<sup>3</sup>

In the latter half of the 19th century, Iran's domestic policy was overtly dependent on the great powers. This dependence was more of an economic nature than of a military or political one. A significant development which characterises this period was the tobacco concession

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<sup>1</sup> Franklin S. Harris, "The Middle East as Critical Area in the World", *Proceedings of the Institute of World Affairs*, 1949, p.50.

<sup>2</sup> Peter Avery, *Modern Iran*, London, Ernest Benn Ltd., 1965. The author recounts the view expressed by Lord Curzon in the House of Lords in the early part of this century, as to the relative losses Britain would suffer in military and material terms, given the growing influence of Russia in Persia.

<sup>3</sup> Sir Percy Sykes, *A History of Persia*, (Two volumes) London, Macmillan & Co. Ltd., 1921. Extensive treatment of 19th century Persian politics and diplomacy.

granted in 1890 to an English company with a monopoly to buy and sell Persia's entire tobacco output. The concession was, however, first backed by and later (in 1892) cancelled by a clergy-led movement<sup>4</sup> which enjoyed wide support throughout Persia. The outcome of this entire episode exposed the weakness of the Shah and, more importantly, reflected the dormant but real power of the clergy who had successfully mobilised the public.<sup>5</sup> These developments coupled with a sizable public debt contributed significantly to the growth of revolutionary sentiment in Persia, which culminated in the Constitutional Revolution of 1905,<sup>6</sup> the establishment of a Parliament or Majles in 1906, and the signing of the proposed constitution of 1 January 1907.

In the year 1907, Britain and Russia signed the *Anglo-Russian Convention* which called for a division of Persia into British and Russian zones of influence. This disillusioned the Persians, who were settling down to enjoy the fruits of constitutional government.<sup>7</sup> The Convention alienated the Persian people from the British, and the Persians turned their sympathies towards Germany. Persian sentiment during this time can be summed up in an old oriental proverb, which was quoted by an observer in Tehran:

"Foes are of three kinds, our foes, the friends of our foes and the foes of our friends ... England has now become the friend of our foes."<sup>8</sup>

Alluding to the Russians, of course.

Sir Edward Gray, Britain's Foreign Minister, tried to justify the aims of the convention by referring to it as a treaty which would prevent Anglo-Russian rivalries from directly impinging on the domestic affairs of Persia. "Neither of the two powers seeks anything from Persia, so that Persia can concentrate all her energies on the settlement of her internal affairs. Both ministers are

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<sup>4</sup> E.G. Brown, *The Persian Revolution of 1905-1909*, London, Frank Cass & Co. Ltd., 1910, pp.31-58, for an excellent account of the build up of the Constitutional Revolution.

<sup>5</sup> Peter Avery, *op.cit.*, pp.104-5, "The Crown was humiliated, while the people had shown themselves capable of united action and the clergy had been made aware of what in the arena of politics and public morality the forces of religion could still achieve".

<sup>6</sup> The British in Persia during this period believed a "native" revolution would reduce Russian influence and thereby encouraged Persian nationalist sentiment. The defeat of the Russians in their war with Japan and the thwarted Russian Revolution of 1905 encouraged the nationalists in Persia to demand constitutional government.

<sup>7</sup> See Firuz Kazemzadeh, *Russia and Britain in Persia, 1864-1914*, New Haven, Yale University Press, 1968. Given Britain's larger global strategies, it is believed to have entered into this treaty with Russia in order to counter the growing strength of Germany. The Russians on their part were still recovering from their loss of face at the hands of the Japanese.

<sup>8</sup> Youel B. Mirza, *Iran and the Iranians*, Baltimore, Williams and Williams Company, 1913, p.117.

entirely in accord as to the policy of non-intervention in Persia, and have left no possible ground for doubt in the matter."<sup>9</sup> This assurance, as will be seen, was never honoured by either party and plagued Persian politics right up to 1946.

With the outbreak of the First World War in 1914, although Iran professed neutrality, it nevertheless was ravaged by the winds of war. This war period was marked by two significant events. Firstly the Germans were leading rebellions in the South of Persia which directly threatened Britain's developing oil fields.<sup>10</sup> Secondly, because of the March revolution of 1917 in St. Petersburg, it was the Turks rather than the Russians who controlled the North-Western parts of Persia. The Turks remained in the area until the signing of the Armistice in 1918. The German presence in the south of Persia was subdued by the British forces, but nevertheless "intensified anti-Russian feelings in the country and left the seed for future German influence."<sup>11</sup>

At the end of the war, the internal condition of Persia was pitiable. There was a famine in the North-West, a considerable amount of Iranian territory was under the control of rebels, and a British-Indian force was occupying the Eastern portion of the country. Amidst this turmoil within Persia, both Britain and Russia vied for renewed influence in the country.

With the coming of the Bolsheviks to power in Russia, the Anglo-Russian convention and all Tsarist claims and concessions in Persia were renounced. The British on their part abrogated the 1907 convention, and offered a package to the Persians providing for necessary economic and military aid. The British offer was accepted by the Persian government as the *Anglo-Persian Agreement of 1919*, only to be overwhelmingly defeated by the Iranian Majles in 1921.<sup>12</sup> The agreement was defeated due to such broad factors as Iranian nationalism, the relative decline of British credibility in the eyes of the Iranians, the British being seen as traitors and associated with the hated Iranian elite, and because the agreement was negotiated secretly and seemed too one

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<sup>9</sup> *Ibid.*, p.117.

<sup>10</sup> Sir Percy Sykes, *op.cit.*, has covered the area well in Chapter LXXXV and Chapter LXXXVI, vol.II.

<sup>11</sup> George Lenczowski, *Russia and the West in Iran, 1918-1948: A Study in Big-Power Rivalry*, Ithaca, New York: Cornell University Press, 1949, p.151.

<sup>12</sup> *Ibid.*, for an appraisal of the post-World War 1 situation in Iran both at the domestic level and in relation to Russia and Britain.

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A few months before the Anglo-Persian treaty was defeated by the Majles, the Soviet Union entered into a *treaty of friendship* with Persia which was signed in Moscow on 26 February 1921. It voided all previous claims Russia had on Persian resources and territory, including the payment of accumulated loans.<sup>14</sup> But the treaty contained one significant, rather controversial provision,<sup>15</sup> which stated with ambiguity that Russia reserved the right to "advance their troops into the Persian interior for the purpose of carrying out the military operations" necessary "if a foreign power should threaten the frontiers of Federal Russia or those of its allies, and if the Persian government should not be able to put a stop to such menace after having been called upon to do so by Russia."<sup>16</sup> This article was referred to constantly by the Russians during the negotiations of 1946 in the United Nations.

In May 1920 Soviet troops had entered the Persian province of Gilan while pursuing white Russian forces and, in collusion with Persian rebels, proclaimed the Soviet Republic of Gilan. In spite of Persian protests, the Soviets declined all responsibility. The Soviets only withdrew their forces six months later, because the Majles threatened to annul the Treaty of Friendship.<sup>17</sup> Shortly after this, the Republic of Gilan collapsed.

In the following year, 1921, a Colonel in the Cossack Brigade, Reza Khan, rose to the rank of Commander-in-Chief of Persian Forces. He then became the Prime Minister in 1923 and finally declared himself, in 1925, the first Pahlavi monarch of Persia (called Iran since 1936 by a parliamentary decision), assuming the title of Reza Shah Pahlavi.

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<sup>13</sup> Peter Avery, *op.cit.*, pp.204-209.

<sup>14</sup> Nikki R. Keddie, "Iranian Politics 1900-1995: Background to Revolution", *Middle Eastern Studies*, vol.5, no.1, January 1969.

<sup>15</sup> Nasrollah Saifpour Fatemi, *Diplomatic History of Persia, 1917-1923, Anglo-Russian power politics in Iran*, New York, Russell F. Moore Company, Inc., 1952, pp.317-24. The controversial provision was contained in article 6.

<sup>16</sup> *Ibid.*, Article 6 of the Treaty of Friendship: "If a third party should attempt to carry out a policy of usurpation by means of armed intervention in Persia, or if such power should desire to use Persian territory as a base of operations against Russia, or if a foreign power should threaten the frontiers of Federal Russia or those of its allies and if the Persian government should not be able to put a stop to such menace after being once called upon to do so by Russia, Russia shall have the right to advance their troops into the Persian interior for the purpose of carrying out the military operations necessary for its defence. Russia undertakes, however, to withdraw her troops from Persian territory as soon as the danger has been removed."

<sup>17</sup> Fatemi, *op.cit.*, pp.233-43, offers a comprehensive account of the factors which forced the Soviets to negotiate with the Iranian government.

With the outbreak of the Second World War, Reza Shah refused allied demands for wartime cooperation to ship American supplies to Russia; Britain and Russia then jointly occupied Iran in August 1941. Minor armed resistance offered by the Iranian Forces was quickly put down. In the same year the Shah was forced to abdicate in favour of his son Mohammad Reza Pahlavi, who was installed as monarch in September 1941.<sup>18</sup>

### **I.1 The Allied Occupation of Iran: August 1941**

The occupation of Iran by Russia hinged around two major strategic considerations. Firstly, the protection of her Baku oil fields and, secondly, access to the warm waters of the Persian Gulf through which Allied support could reach her.

In the case of Britain, the reason for the occupation of Iran was that, as one author writing in 1941 remarked, "... no small nation can hope to remain neutral in the face of war as waged by Hitler". Preference of the Iranian government for "German officials and technicians in large numbers and in key positions" and probable Iranian "... sympathy with Nazi political and racial theories", led Britain to occupy Iranian territory.<sup>19</sup>

Hence, from the Allied point of view, the occupation was inevitable. "The position of Iran cannot be seen except in the framework of world domination ... a continuation of the Drang nach Osten – German control of the countries of Central and Eastern Europe."<sup>20</sup> The allies emphasised that this was strictly a military operation and that their troops would be withdrawn when circumstances allowed.<sup>21</sup> The Allies further divided Iran into three zones of influence: the British zone comprising the oil fields in the South West; the Soviet zone comprising Iran's five northern

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<sup>18</sup> Peter Avery, *op.cit.*, see chapters 14-17, which trace the changes from the first Pahlavi reign to the beginning of the second, with reference to the socio-political situation in Iran in relation to Britain and Russia.

<sup>19</sup> L.P. Elwell Sutton, *Modern Iran*, London, George Routledge and Sons, Ltd., 1942, p.184. The book and especially Chapter IX was written at the time of the Allied Occupation of Iran and hence gives lucid insight into the Allied and British points of view.

<sup>20</sup> *Ibid.*, Elwell Sutton, p.174.

<sup>21</sup> A note was given to the Iranian ambassador in Moscow in August 1941, by V.M. Molotov, foreign affairs commission which read: "The military measures taken are solely against the danger created by the hostile activities of Germans in Iran. As soon as this danger which threatens the interests of Iran and the Soviet Union is averted the Soviet Government will immediately withdraw its troops". Quoted in Kenneth Lee Hetrick, *The United Nations As A National Foreign Policy Instrument: The Iranian Case of 1946*. Ann Arbor, Michigan University Microfilms International, 1979, p.48. (Thesis completed in 1979).

provinces of Azerbaijan, Gilan, Mazanderan, Asterabad and Khorassan; and an unoccupied zone in the centre of Iran consisting of Tehran, Mashaad and Isfahan. Tehran was later occupied jointly by Russian and British forces.

## I.2 The Tripartite Treaty of Alliance of 1942

According to one Iranian author, prior to the Allied occupation,

"the dictatorial regime of Reza Shah necessitated a certain degree of independence from external pressure and British influence ... Persia was relatively free to determine its course of politics ... with its own set of national interests. With the occupation of Iran, once again reduced to a powerless body ... in terms of power relationship and past experience, the situation was not unprecedented."<sup>22</sup>

Since Iran continued to be of strategic importance to both Britain and Russia, the *Tripartite Treaty of Alliance* of 1942 was entered into by Britain, Russia and Iran. On the face of it the treaty pledged to "respect the territorial integrity, sovereignty and political independence of Iran", but its larger aims were to prevent either of the great powers from using Iran as a geo-political lever.<sup>23</sup> The treaty was signed on 29 January 1942. It not only formalised the military occupancy of Iran, but was to be the basis for the political relations of Iran with the two great powers. According to some observers, the Treaty of Alliance, "raised the status of Iran from an actually occupied territory to partnership."<sup>24</sup> According to others, Iran's status was further enhanced when it declared war on Germany in 1943 and, after the war, agreed to accept and adhere to the declaration of the United Nations.<sup>25</sup>

Despite all these assurances of sovereignty and political independence, Iran remained a country divided into political zones of influence. The authority of the Iranian Central Government was almost negligible and the whole country was in the midst of an economic disaster, exacerbated by very high inflation.<sup>26</sup>

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<sup>22</sup> Hossein Kazemzadeh, *Iran and Post-War Political Issues: Policy Reflections in the United Nations*, Ann Arbor, Michigan University Microfilms International, 1978, p.41, (Thesis completed in 1954).

<sup>23</sup> Lenczowski *op.cit.*, pp.319-322. For the entire text of the treaty and extensive commentary.

<sup>24</sup> Hossein Kazemzadeh, *op.cit.*, p.43.

<sup>25</sup> Cordell Hull, *Memoirs*, (vol.II), London, Hodder and Stoughton, 1948, pp.1504-05. Hull recounts how the declaration of war by Iran on Germany naturally progressed into Iran joining the United Nations and hence becoming an "eligible" member of the Allied powers.

<sup>26</sup> Lenczowski, *op.cit.*, p.178.

### **I.3 The Significance of the Tripartite Treaty of Alliance to Iranian Foreign Relations**

The Tripartite Treaty of Alliance of 1942 contained two provisions which were central to Iran's dispute with the Soviet Union and crucial to the negotiations of the dispute at the United Nations Security Council. These are embodied in the following articles of the treaty:

Article 4, sub-clause (i) read: "It is understood that the presence of these forces on Iranian territory does not constitute a military occupation and will disturb as little as possible the administration and the security forces of Iran ..." In addition, Article 5, which was invoked consistently by the Iranians in 1946, read: "The forces of the allied powers shall be withdrawn from Iranian territory not later than six months after all hostilities between the allied powers and Germany and her associates have been suspended ..." <sup>27</sup>

During the time Iran was entering into the Treaty of Alliance, and even later, Iran sought to befriend the Americans who, given their larger involvement in the Allied war effort, could not directly respond to Iran's overtures. However, Iranian leaders preferred to assign to American missions the job of organising areas such as the army, rural police, food supply, etc. These missions were directly answerable to the Iranian government. <sup>28</sup>

Towards the end of 1943, the Anglo-Soviet occupation took an adverse turning which greatly alarmed the Iranians and altered America's role in the area. The Soviets sealed off the Northern provinces to all but Iranian nationals. And this caused great anxiety to the British who were unable to handle the grain distribution efficiently in the South, leading to famine-like conditions. <sup>29</sup>

The major outcome of the Tripartite Treaty of Alliance for Iran was that it wanted America to enter into its sphere of international relations, which hitherto had been dominated by Britain and Russia. With the defeat of Germany imminent, the Americans had suspicions about the

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<sup>27</sup> For the entire text of the treaty, see *ibid.*, pp.219-322.

<sup>28</sup> Ruhollah K. Ramazani, *Iran's Foreign Policy 1941-1973: A Study of Foreign Policy in Modernising Nations*, Charlottesville, Virginia, University Press of Virginia, 1975. This gives a detailed account of Iran's foreign relations during 1942-43, vis-a-vis the major actors operating in the area.

<sup>29</sup> Peter Avery, *op.cit.*, pp.354-357. The author looks at the events and attributes the causes to a lack of co-ordination between American and British support logistics.

future plans of Britain and Russia regarding Iran.<sup>30</sup> Towards the end of the war, Anglo-Soviet occupation of Iran entered its second phase. Whereas during the first phase Anglo-Soviet co-operation led to the occupation, now a lack of co-operation threatened to continue it. The dilemma caused by Anglo-Soviet suspicions of each other did not allow for a unilateral withdrawal of troops and it was believed that wartime occupation might extend indefinitely.<sup>31</sup>

Thus it may be safely assumed that one of the reasons for the Americans promoting the idea of a meeting of the Allied heads of state in Tehran was its growing alienation from the Anglo-Soviet political ventures in Iran.<sup>32</sup>

#### I.4 The Tehran Declaration of November 1943

The Tehran Declaration of 1943 was convened to discuss global military strategy and to lay plans for a future international organisation. One of the items on the agenda was the question of Iran. In a public declaration, the President of the United States of America, the Premier of the Soviet Union and the Prime Minister of Britain, regarding Iran, affirmed "their desire for the maintenance of the independence, sovereignty and territorial integrity of Iran."<sup>33</sup>

The Tehran Declaration was received with joy by all Iranians and instilled within them a new faith in the United States of America, for taking the initiative in helping Iran and supporting the Iranian cause at the conference. This favourable disposition was to change drastically in the following year."<sup>34</sup>

## II. A Backdrop to the Iranian Case of 1946: Historical and Political Events (1944-1946)

The history of this period between 1943-1946 is crucial, because it has a definite bearing on Iranian-Soviet relations, the state of which will be in constant review in the following pages.

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<sup>30</sup> Kenneth Lee, *op.cit.*, p.53. He quotes General Patrick Hurley who, after meeting top Russian, American, British and Iranian military and civilian officials, reported to President Roosevelt: "In my opinion Britain and Russia aspire to control Iran after the war, not jointly but separately. Britain's control would be for the purpose of keeping the monopoly of the oil resources which her nationals now own and of establishing a trade monopoly, and Russia's control would serve to secure her long-desired access to a warm water port ..." *Foreign Relations of United States 1943: The Near East and Africa*, Washington, US Department of State, US Government Printing Office, vol.4, p.367, (henceforth cited as *Foreign Relations*).

<sup>31</sup> *Ibid.*, pp.53-54.

<sup>32</sup> *Ibid.*, p.54. "The American delegation proposed that the Allied powers support Iran's foreign adviser programme, staffed by the Americans and that each of the Allies declare separately its intention to withdraw its troops."

<sup>33</sup> See Khusrow Sadeghi, *A Study of the Tehran Conference of 1943*, Tehran University Center for International Studies, Tehran, 1978. Gives an interesting account of the formal proceedings of the meeting.

<sup>34</sup> See Nasrollah Saifpour Fatemi, *Oil Diplomacy: Power Keg in Iran*, New York, Whittier Book Inc., 1954.



Much of the diplomacy which took place in this period served Iran in good stead in the dispute of 1946 with the Soviet Union.

The American policy towards Iran after the Tehran Declaration, beginning in 1944, was essentially conditioned by its quest for oil concessions within Iran. There were those within Iran who favoured American involvement, in contrast to those who hailed from the Iranian communist party (TUDEH) and who denounced the government for conducting secret negotiations with the Americans.

The Iranian Majles, sensing the rush for oil concessions, decided unanimously that no concessions could be granted till after the war. The embassies of the United States, Great Britain and the Soviet Union were formally informed accordingly. At this notification from the Iranian government, it was only the Soviets who reacted adversely. It called Iran's policy "fascist" and criticised Prime Minister Mohammad Saed's government. Soviet-inspired demonstrations erupted in the major cities throughout the northern zone and in Tehran.<sup>35</sup> The Prime Minister resigned due to the mounting public pressure. It was during this period of unrest that Dr. Mohammad Mossadegh introduced the famed bill which forbade any Prime Minister to enter into discussions concerning oil concessions and sale of oil. The price for violating this bill was punishable by three to eight years of solitary confinement and permanent exclusion from government service.<sup>36</sup> The new law flatly prohibited concessions owned and operated by any foreign country. Soviet officials called the legislation "objectionable and obstructive."<sup>37</sup>

A number of significant developments in the politics of Iran between 1944 and 1946 with direct consequence on the events of 1946 are addressed below:

Firstly, it was a widely accepted fact that the Soviet Union had created within Iran a loyal and strong following, the TUDEH, or Communist Party of Iran.

Secondly, on the international level, as reflected at the Yalta Conference of February 1945,

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<sup>35</sup> Kenneth Lee, *op.cit.*, p.64.

<sup>36</sup> *Ibid.*, p.66.

<sup>37</sup> *Ibid.*

the Russians opposed any international agreements on Iran.<sup>38</sup> None of the great powers was ready to condemn Soviet behaviour in Iran for fear of displeasing an ally.

Thirdly, during the mid-months of 1945, Iranian efforts to send its own soldiers into the northern provinces of Azerbaijan to quell riots there were forcibly restrained by Soviet troops. Given that the Azerbaijan riots were fuelled by separatist forces, Soviet restrictions on Iranian troops entering the province constituted a serious threat to the sovereignty of Iran. This particular incident figured prominently later in the debates before the Security Council.

Fourthly, after the Potsdam Conference in July 1945, the cursory way in which the Iran issue was dealt with by the great powers when they "decided to remain flexible, to let events in Iran, rather than talk around a conference table, dictate their future strategies."<sup>39</sup>

Lastly, in the wake of the Potsdam Conference in August-September 1945, the Soviet Union began directly to promote and support separatist movements in the northern Iranian province of Azerbaijan.<sup>40</sup> The British, for their part, "... supported by the Americans ... would not allow any encroachment in the south where the oil-producing area was situated."<sup>41</sup> In other words, both the Soviet Union and Britain were restricting Iran's authority in her own territories but at the same time were careful to stay out of each other's way, given their separate interests in Iran.

The oil crisis of 1944 showed that there did exist a very strong nationalist sentiment in Iran which supported a clear policy of neither "East or West" as regards its oil resources. It also showed that Iranian-Soviet relations were not unequivocal and that the former had to appease the latter, given the Soviet propensity to cause disturbance within Iran. This prompted the new Prime Minister, Morteza Quli Bayat, who was considered fairly neutral in his views, to appoint two pro-Soviet cabinet members. The move was designed to reduce Iran-Soviet tensions, and this it did considerably through the early months of 1945.<sup>42</sup> During this time the Soviets pressed

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<sup>38</sup> *The Tehran, Yalta and Potsdam Conference Documents*, Moscow, Progress Publishers, 1969, p.6. This is evident when, at the second sitting at Livadia Palace, Stalin gives secondary importance to "occupation zones", a question raised by Roosevelt.

<sup>39</sup> *Ibid.*

<sup>40</sup> Sir Clairmont Skrine, *World War in Iran*, London, Constable & Co. Ltd., 1962, p.254. See "Diary of the main events in dispute between Iran and the Soviet Union over autonomy of Azerbaijan".

<sup>41</sup> General Hassan Arfa, *Under Five Shahs*, London, John Murray, 1964, p.337.

<sup>42</sup> Fatemi, *op.cit.*, p.248.

indirectly for new oil concessions and began a new propaganda onslaught against the British. Prime Minister Bayat was replaced by the "strongly pro-western" Prime Minister, Sadar al Ashraf, in June 1945. The Soviets increased pressure on Iran by stepping up support for separatist movements in the northern provinces.<sup>43</sup>

After the Japanese had surrendered to the allies and only six months of legitimate occupation remained, in accordance with the provision in the treaty of 1942, the Soviets stepped up their support for the separatists of Azerbaijan, under the leadership of Jafar Pishawari. By September 1945, the new Azerbaijan "Democratic Party" was established and put forward its claims for "provincial autonomy". In November, after Iranian officials entered and confiscated party documents from the TUDEH party headquarters in Tehran, open rebellion broke out in Soviet-occupied Azerbaijan.<sup>44</sup> While protecting the Azerbaijani "Democrats" and refusing entry to an Iranian relief force into the northern provinces,<sup>45</sup> the Russians clearly indicated their position to the Iranian government, and to the ever watchful Americans and the British, on their plans for adhering to the set date of withdrawal of troops.

Publicity was Iran's best weapon to draw international attention to what was happening with regard to the Soviet occupation of Azerbaijan.<sup>46</sup> This prompted American Secretary of State, James Byrnes, to send a new proposal to the Soviet Union.<sup>47</sup> The proposal called for the removal of all foreign troops by 1 January 1946. The State Department sent a similar proposal to Britain, who responded quickly, that withdrawal of its troops would take place alongside the Soviets. On 29 November, the Soviets replied in the negative. According to the Soviets, the unwillingness of "reactionary forces" to honour the legitimate demands of the Azerbaijani people,<sup>48</sup> and not the

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<sup>43</sup> General Hassan Arfa, *op.cit.*, pp.341-342.

<sup>44</sup> *Ibid.*, pp.345-346.

<sup>45</sup> Lenczowski, *op.cit.*, pp.286-287.

<sup>46</sup> Kenneth Lee, *op.cit.*, quotes an unnamed British official who remarked to America's ambassador in Britain, "... the Iranian ambassador in Washington apparently needs no coaching in that regard [publicity] judging from the press reports", p.117. [The American public was kept well informed of the situation by Iran's ambassador to Washington, Hossein Ala, through vivid press releases].

<sup>47</sup> Secretary Byrnes dispatched the note containing the proposal on 23 November 1945. See Sir Clairmont Skrine, *op.cit.*, for a first hand account of the particular exchange.

<sup>48</sup> Lenczowski, *op.cit.*, p.325. He quotes certain Iranian newspapers which print the Soviet Union's point of view, "... the evacuation of Russian troops would depend upon the attitude of the ruling class in Iran" ... if the Iranian government gave any cause to doubt, the Soviets "... could maintain their troops in the country for an indefinite period."

presence of Soviet troops caused the "undesirable incidents". With regard to stopping the Iranian contingent from entering Azerbaijan, the Soviets explained that this was primarily done to prevent further bloodshed. Apart from stressing to Secretary Byrnes that it was understood that the Soviet troops would evacuate by 2 March 1946, according to the provision of the Treaty, the Soviets also justified their presence in Iran by invoking certain provisions laid down in the Soviet-Iranian Treaty of February 1921. According to some authors, the Russians were building up a legal and judicial reason for not withdrawing their troops by 2 March 1946.<sup>49</sup>

### III. Iran and the Preparation of the United Nations Charter, April 1945

With the second World War coming to an end and the seeds of the United Nations already sown by the three allied powers (USSR, USA and Great Britain), Iran, with other nations, was invited to participate at the San Francisco Conference. Scheduled for 25 April 1945, the Conference was to "prepare a charter for the general international organisation for the maintenance of international peace and security."<sup>50</sup> Considering that Iran during this time was under military occupation, it was her primary aim to rid herself from foreign influence and restore the authority of the central government. This was especially true of her lack of control over the occupied territories both in the north and south of Iran, controlled by the Soviet and British Forces respectively.

It has been argued by authors like Hossein Kazemzadeh that to a small nation such as Iran its 'focal objective' was "how to preserve its integrity and independence, international life and international relations."<sup>51</sup> Therefore, to "such a nation, the reason of existence of the international organisation will be mainly political, i.e. to maintain the peace and security of the world through political as well as legal means."<sup>52</sup> This was further manifested in the "form and substance" of amendments which the Iranian delegation proposed. These amendments were as follows:

- (i) To draw up a provision which would be tantamount to Article 10 of the Covenant concerning the guarantee of territorial integrity and independence to members of the

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<sup>49</sup> Fatemi, *op.cit.*, p.272.

<sup>50</sup> Hossein Fakher, *The Charter and Organisation of the United Nations*, Tehran, 1951, p.20.

<sup>51</sup> Kazemzadeh, *op.cit.*, p.49. See Chapter I, sections II and III.

<sup>52</sup> *Ibid.*, Kazemzadeh, p.50.

organisation;

- (ii) To regard "right, justice and international law" as the basis of the maintenance of peace and security;
- (iii) To stipulate in the charter that member-states must refrain from "threat or use of force" directly or indirectly in any way which would be inconsistent with the purpose of the organisation;
- (iv) To recognise the pre-eminence of the General Assembly;
- (v) To accept the obligatory jurisdiction of the International Court of Justice;
- (vi) To define any threat to the territorial integrity and independence of member-states as a breach of international security and peace;
- (vii) To give a clear and exact definition of the term "aggression";
- (viii) To codify international law;
- (ix) To require the registration of international treaties;
- (x) To apply the principle of rotation and periodicity in the election of members of the Economic and Social Council;
- (xi) To establish an intellectual institute of co-operation.<sup>53</sup>

When these proposed amendments are examined in the context of Iran's dilemma with the big powers, threatening her sovereignty, Iran's main interest in the establishment of a United Nations Organisation was mainly political rather than economic or social.

Apart from the above mentioned general amendments, Iran had certain specific views on the "structure of the organisation and its powers and functions."<sup>54</sup> From the structural point of view Iran, like other small states, looked upon the General Assembly as the prominent organ of the United Nations; "Iran strove to enhance the status of the General Assembly and its role in the

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<sup>53</sup> Based on *United Nations Conference on International Organisation*, vol.3, pp.554-557. (Henceforth cited as *UN-CIO*).

<sup>54</sup> The following description of the Iranian view is largely attributed to Hossein Kazemzadeh's work. Kazemzadeh, *op.cit.*, p.54.

maintenance of international peace and security."<sup>55</sup> It proposed that the General Assembly have the power "to draw the attention of the Council to a dispute on all situations capable of endangering peace and ... fix an adequate delay within which the Council should pronounce its decision on the question submitted to it. If, at the expiration of this period, the Council is unable to reach a decision, the Assembly can intervene and take necessary measures."<sup>56</sup> This proposal was made in the hope of empowering the General Assembly, and was further backed up by the Iranian delegation with a request that the Security Council be enlarged from 11 to 15 members.<sup>57</sup> Needless to say, these proposals were not considered seriously by the Great Powers, who were not willing to submit to the pressures of small states.<sup>58</sup>

In concluding this section on Iran's role at the preparatory conference in San Francisco, it would be in place to mention certain proposals and amendments which Iran, along with other states, felt were crucial to defining the functions and powers of the emerging United Nations.

Firstly, the Iranian delegation sought to amend Paragraph I, Chapter I, of the Dumbarton Oaks Proposal concerned with the purposes of the Organisation. It proposed that the purpose of the Organisation should not be merely "to maintain international peace and security", but should be, "on the basis of right, justice and the principles of international law."<sup>59</sup> This comprises the latter part of the first paragraph of Article I of the United Nations Charter.

Secondly, with regard to the territorial integrity and political independence of member states, Iran was particularly interested in a provision which would correspond in spirit to Article 10 of the Covenant of the League of Nations, which embodied the provision for the maintenance

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<sup>55</sup> There was resentment among the smaller/less powerful member states to the dominant role of the Security Council in matters of international peace and security. In the view of Kazemzadeh this resentment lay in the fear that "The would-be legislative branch of the world organisation was virtually subordinate to the would-be executive branch", *ibid.*

<sup>56</sup> *UNCIO*, vol.3, p.555.

<sup>57</sup> The argument for enlargement of the Security Council given by Iran was that it would

- (i) give a more representative character to the Security Council,
- (ii) facilitate the application of the principle of geographical representation,
- (iii) would not impair the Council's efficiency, rather the Council could discharge its "non-security" functions more efficiently, *UNCIO*, vol.2, p.275.

<sup>58</sup> It was decided at Yalta by the three big powers, USSR, USA and GB, that the charter and other provisions would be along the "lines proposed in the informal conversations at Dumbarton Oaks". Regarding the voting procedure at the Security Council, see section C of chapter vi of the Dumbarton Oaks proposal in *The Tehran, Yalta and Potsdam Conferences*, Documents, Moscow, Progress Publishers, 1969, pp.141-142.

<sup>59</sup> Kazemzadeh, *op.cit.*, p.60. In addition to Iran, France and a number of smaller nations supported the recommendation.

of the status quo.<sup>60</sup> According to Kazemzadeh, the deliberations on the part of Iran on this aspect resulted in Article 2, paragraph 4 of the UN Charter, which reads ... "members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" ...<sup>61</sup> This could be seen as an interpretation of Article 10 of the Covenant of the League of Nations.

Thirdly, the Iranian delegation "moved to define the threat to international peace and security in terms of the threat against territorial integrity and political independence of member states."<sup>62</sup>

The reason for this amendment by the Iranians was to impel the Security Council to take immediate action in the case of such a threat.\*\* The amendment was not adopted immediately, but was referred to the Draft Committee.<sup>63</sup>

Fourthly, the delegation of Iran sought a clear-cut definition of the term "aggression" and "wished that such a definition be included in the Charter of the United Nations".<sup>64</sup>

Fifthly, on the matter of obligatory jurisdiction of the International Court of Justice, and whether or not it should be inserted into the Statute of the Court, Iran proposed that all members "should make declarations adhering to the obligatory jurisdiction of the Court as soon as possible". The Committee adopted the Iranian motion unanimously.<sup>65</sup>

Sixthly, Iran and Venezuela jointly proposed that (i) "member states should release themselves from any obligation which is not consistent with the Charter", and (ii) "member states should agree not to undertake such obligations in their future international engagements."<sup>66</sup>

Lastly, "the delegation of Iran declared itself in favour of the registration of treaties with the

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<sup>60</sup> *Ibid.*, p.61.

<sup>61</sup> Article 2, paragraph 4, *The United Nations Charter*.

<sup>62</sup> *UNCIO*, vol.3, p.556.

<sup>63</sup> One of the early indicators that the Iranians expected the UN to be instrumental in the future negotiations between themselves and the USSR, with regard to the withdrawal of all Soviet troops.

<sup>64</sup> *UNCIO*, vol.12, pp.66-67.

<sup>65</sup> *UNCIO*, vol.3, p.557.

<sup>66</sup> *UNCIO*, vol.13, p.299.

<sup>66</sup> *UNCIO*, vol.13, p.800.

Secretariat of the United Nations and the codification of international law."<sup>67</sup>

At the end of the San Francisco Conference, the Iranians were not elated, but felt that a step had been taken in the direction of being able to co-exist with other states, especially the so-called "Big Five", with a reduced threat to its sovereignty and national integrity.

#### IV. The Iranian Case at the United Nations: 1946

The diplomatic manouevering, prior to the Iranian Case being introduced at the United Nations, is of considerable interest and importance to this paper. It points towards two central aspects of Iranian foreign policy strategy:

- (i) The playing of great powers against each other by Iran, taking advantage of the ideological splits surfacing between the United States of America, Britain and the Soviet Union.
- (ii) The ability of Iran to negotiate large parts of its foreign policy goals independently and on a bilateral basis with the Soviet Union, made possible – to some extent – by the latter's desire to show itself as a big power that represents political ethics. The role that Iran played in successfully defending its case before the United Nations Security Council can be appreciated when viewed in this strategic context.

After the rejection on 29 November 1945 of the United States' proposal for immediate evacuation by the Soviets, the United States proceeded cautiously, hesitating to accuse the Soviet Union on the basis of insufficient and unreliable information regarding Azerbaijan. But by December 1945, the United States had enough first hand evidence. The "Democratic Party" of Azerbaijan lacked popular support and the confidence of the people.<sup>68</sup> Armed with this information, the US proceeded at the second conference of Foreign Minister held in Moscow on 16 December 1945, to discuss the Iranian case among other things. In spite of the publicity campaign launched by Iran at the second Moscow conference, and the American sympathy for Iran, it

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<sup>67</sup> *UNCIO*, vol.3, p.556.

<sup>68</sup> Mr. T. Cuyler Young, an American press attache and Iranian specialist, after spending five days in Tabriz reported that ... "the Soviets were providing arms and posting guards around Democratic Party meetings" ... and that "a state of abject rough concealed terror reigns in Tabriz". *Foreign Relations* vol.8, p.465-466.



was not surprising that at the onset of the conference Britain's Foreign Secretary, Ernest Bevin, and United States Secretary of State, James Byrnes, came to an agreement that "Iran ought to grant Azerbaijan a certain measure of provincial freedom".<sup>69</sup> This was considered as a means to reduce the Soviet role in the northern provinces.

The Iranian issue was not included in the conference agenda because of Soviet opposition, but it was discussed informally. Secretary Byrnes expressed his fears that "the Soviet interference in Iran may raise a question at the forthcoming United Nations meeting".<sup>70</sup> The comment was designed to get the Soviets to react on the Iranian issue. Marshall Stalin, however, was of the view that Soviet intervention in Azerbaijan had prevented considerable bloodshed. Moreover, he explained, the Soviet officials at Baku were under threat from saboteurs from the Northern Provinces. Given the provisions of the Iran-Soviet Treaty of 1921, as long as a threat to Soviet Russia existed, their troops would continue in Iran. Therefore, no promise could be made to withdraw troops by 2 March 1946.<sup>71</sup>

The day after Christmas 1945, Mr. Hossein Ala, Iranian Ambassador to the United Nations, called on George V. Allen, Deputy Director of the Office of Near Eastern and Allied Affairs. Ambassador Ala said that he had instructions from Tehran to be first assured that Iran had the support of the United States before raising the issue at the United Nations.<sup>72</sup> A few days following this meeting, the Prime Minister of Iran, Ibrahim Hakimi, authorised the Iranian Ambassador to Britain, Seyyed Hassan Taqizadeh, to bring the matter before the first session of the United Nations General Assembly.<sup>73</sup> The United States of America, reluctant at first, agreed later to let Iran bring the issue to the United Nations.<sup>74</sup> At this juncture, Britain, sensing the possibility of

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<sup>69</sup> The Americans believed that if ... "Iran should grant concessions to the Azerbaijanis short of recognising their autonomy", it would mobilise public opinion and leave ... "no grounds for the charge that people of any part of the country are being deprived of their constitutional rights". This opinion was offered as advice by America's Ambassador to the Soviet Union, Averell Harriman, to the State Department and to American Ambassador Murray in Tehran. *Foreign Relations*, 1945, vol.8, pp.504- 505.

<sup>70</sup> *Foreign Relations*, 1945, vol.2, p.685.

<sup>71</sup> Secretary Byrnes warned that since the United States did not consider Iran hostile to the Soviet Union, the issue placed the United States in the difficult position of having to "take sides". Stalin replied that "no-one has any need to blush if the question is raised in the Assembly. *Foreign Relations*, 1945, vol.2, p.752.

<sup>72</sup> *Foreign Relations*, 1945, vol.8, p.513, and *Foreign Relations*, 1946, vol.7, p.292-293.

<sup>73</sup> Peter Avery, *op.cit.*, p.391. Both the Foreign Minister of Britain, Mr Bevin, and the American Secretary of State did not encourage this move. Nevertheless, on 19 January 1946, the Iranian Ambassador to the United Nations raised the issue.

<sup>74</sup> Loy Henderson advised Secretary Byrnes not to join the British in discouraging or blocking Iran's complaint, warn-

international pressure being brought against them, given their presence as well in Iran, applied direct pressure on the Iranian Prime Minister, Ibrahim Hakimi, to withdraw the proposal to lodge a complaint at the United Nations.<sup>75</sup> Hakimi's indecisiveness on this matter sparked off unrest in the Iranian Majles and culminated in his resignation in January 1946. The Majles elected Ahmad Qavam Prime Minister six days later.<sup>76</sup>

#### IV.1 The Iranian Complaint to the Security Council, 9 January 1946

By the provisions laid down in the Tripartite Treaty of 1942, the occupying forces of Britain and the Soviet Union were to evacuate their troops by 2 March 1946.<sup>77</sup> Some members of the Council felt that not only was the Iranian complaint premature but also, given the prescribed amount of time, the dispute would resolve itself with or without the Council's vigilance.

This atmosphere of complacency among certain members did not, however, reflect the global political situation, especially that which was developing between the USSR, USA and Britain over the Iranian issue.<sup>78</sup> An extract from President Harry Truman's memoirs will help sum up the political climate between the Big Three. The President, sensing that his Secretary of State Byrnes was caught in a dilemma over how much support to lend Iran without jeopardising Britain's position in the international community (and also as an occupying force in Iran), declared, "I think we ought to protest with all the vigour of which we are capable against the Russian programme in Iran. There is no justification for it ... We should let our position on Iran be known in no uncertain terms... I am tired of babying the Soviets."<sup>79</sup> Henceforth, President Truman decided to

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ing that "if it should become known that the United States and the United Kingdom had pressed Iran not to present its case before the United Nations Organisation, an immediate impression would be created by all the smaller members of the United Nations Organisation that the new international organisation is no improvement over the old method of international relations, when the Great Powers joined together to press small powers to make concessions as was done at Munich". *Foreign Relations*, 1946, vol.7, pp.294-295.

<sup>75</sup> Sir Reader Bullard, Britain's Ambassador to Iran, forced Prime Minister Hakimi to draft a retraction letter in Bullard's presence then personally sent it from Tehran over British military radio. *Foreign Relations*, 1946, vol.7, pp.299-301.

<sup>76</sup> Peter Avery, *op.cit.*, p.391.

<sup>77</sup> The troops were to be withdrawn six months after the first armistice or armistices had been signed between the Allied and Axis powers. Or subsequently, when one party had been defeated.

<sup>78</sup> The victorious allies were parting ways on ideological and global policy issues. To get a good picture of this period, popularly referred to as the "Cold War" see D.F. Fleming, *The Cold War and Its Origins 1917-1960*, (2 vols.), New York, Doubleday and Co. Inc., 1961.

<sup>79</sup> Harry S. Truman. *Memoirs, Year of Decision*, Suffolk, Hodder and Stoughton, 1955. See pp.491-493. The President writes a letter containing the above comments addressed to Jim Byrnes, but he does not send it. The President reads the letter to Byrnes at a later date in the Oval office.

support Iran at the United Nations. Secretary Byrnes, given his vast experience and sensing the tide of rising expectations of the smaller member states on the one hand and the fragile Great Power relationships on the other, hastened to comment to the General Assembly on 14 January 1946:

"Let us not think that we can give over any and every problem to the United Nations and expect it to be solved. Let us avoid casting excessive burdens upon the institutions of the United Nations, especially in their infancy. I recall to you the clear provisions of the Charter which obligate member nations to make every effort to settle their disputes by peaceful means of their own choice, before calling upon the United Nations to intervene."<sup>80</sup>

Uncertain of American support and, as always, seizing the opportune moment, the Iranian representative to the United Nations, Mr Seyyed Taqizadeh, brought Soviet activities in Iran to the notice of the General Assembly. Mr Taqizadeh's speech did not amount to a formal complaint, but warned that such a complaint would be forthcoming ... "in case no early solution is reached."<sup>81</sup> Secretary Byrnes' speech made the day before went in vain, given the eloquence with which the Iranian representative appealed to member nations ... "to put their faith in this body, which is the centre and hope for humanity in the future".<sup>82</sup> Since there was no appreciable change in the internal situation of Iran, the Chairman of the Iranian delegation addressed a letter (through the acting Chairman, Gladwyn Jebb) to the first part of the first session of the Assembly, in which he spoke "of interference of the Soviet Union, through the medium of its officials and armed forces, in the internal affairs of Iran", and of a "situation" which was likely "to lead to international friction".<sup>83</sup>

The Iranian delegation referred to the event as a "situation" rather than a "dispute".<sup>84</sup> This, according to some authors, reflected a conciliatory stance the Iranians had chosen to take in order not to "burn all bridges and alienate the Soviet Union",<sup>85</sup> and at the same time to show that Iran

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<sup>80</sup> United Nations, *Official Records of the First Part of the First Session of the General Assembly*, London, Cathedral Hall, Westminster, 10 January 1946.

<sup>81</sup> *Ibid.*, p.120.

<sup>82</sup> *Ibid.*, p.121.

<sup>83</sup> *United Nations Security Council Official Records, First Year, First Series, Supplement No. 1*, pp.16-17. (Henceforth to be cited as *SCOR*).

<sup>84</sup> *SCOR.*, First Year, First Series, No.1, p.33.

<sup>85</sup> Hossein Kazemzadeh, *op.cit.*, p.216.

was ready to negotiate, provided that the matter remained before the Council.

On 30 January 1946, the Security Council requested the parties ... "to inform the Council of any results" ...<sup>86</sup> ensuing from the suggested bilateral negotiations.<sup>87</sup> The negotiations failed to produce any positive results.<sup>88</sup>

There were two salient features which made the negotiations between Iran and the Soviet Union less fruitful. They were as follows:

- (i) Mr Andrei Vyshinsky, who was the Soviet Union's representative to the United Nations, had one main objective and that "was to show that the Council could not legally consider Iran's complaint."<sup>89</sup>
- (ii) Whereas the Iranian delegation continually sought to draw international attention to this situation, by insisting that all negotiations be conducted under the Security Council's supervision.<sup>90</sup>

The prevailing situation was further exacerbated as the 2 March 1946 deadline for the withdrawal of Soviet and British troops approached. The Soviets issued a communique on 1 March stating that Soviet troops would begin evacuating immediately from the relatively more peaceful areas in Eastern Iran, but would remain elsewhere in Iran "pending the examination of the situation".<sup>91</sup>

This failure on the part of the Soviets to abide by the provisions of the Tripartite Treaty urged the Iranian government to re-open the issue with the Security Council. During the second

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<sup>86</sup> SCOR., First Year, First Series, no.1, p.70.

<sup>87</sup> On 24 January 1946, the Soviet delegation, in reply to the Iranian charges, denied interference and reminded the Council that the presence of troops was justified by the Tripartite Treaty of 1942 and – more surprisingly – the Soviet-Iranian Treaty of 1921 [which incidentally was not considered applicable after the signing of the Tripartite Treaty]. SCOR., First Year, First Series, Supplement No.1:1, p.17-19.

<sup>88</sup> Kenneth Lee, *op.cit.*, pp.151-152. On 26 January 1946, the Iranian delegate, Mr. Taqizadeh, had pre-empted the Soviet arguments of 30 January 1946 by distinguishing between "legal authorisation" and "legal obligation", i.e. the Soviet forces might remain until 2 March but they "were not obliged to do so".

<sup>89</sup> Vyshinsky maintained that Iran had had differences in the past with the Soviet Union, but had settled them on a bilateral basis. Vyshinsky's argument was based on Article 33 of the Charter which calls for seeking solutions by negotiation and other means. SCOR. First Year, First Series, 3rd Meeting, 28 January 1946, p.42.

<sup>90</sup> By virtue of the fact that the Iranian delegation had described the nature of the situation right from the outset as one which "might lead to international friction", hence referring to Article 34, it expected the presence of the Security Council at all negotiations.

<sup>91</sup> The Soviet statement was seen as outright flouting of Article Five of the Tripartite Treaty and brought a wave of protest from the Western powers and Iran. For meticulous details regarding the situation see Kenneth Lee, *op.cit.*, pp.183-186.

phase of the Iranian case, the relative position of both parties remained the same. The Iranian delegation maintained that the continuing presence of Soviet troops in Iran was an "infringement of Iran's sovereignty" and a "heavy burden on the people" ... Mr. Hossein Ala, the Iranian representative, concluded by saying that his country expected the Council to ensure complete troop withdrawal "within a brief and fixed period ... in accord with the purposes and principles of the Charter".<sup>92</sup>

On 27 March 1946, the Soviet representative, Andrei Gromyko, walked out of the Security Council after his delegation had been vastly out-voted on the issue of postponement of the discussions on Iran.<sup>93</sup>

There were two reasons why the Council rejected Gromyko's request for postponement of the Iranian discussions. Firstly, the Soviet forces had failed to evacuate from Iranian territory by the set date – 2 March 1946. Secondly, Gromyko refused an unconditional withdrawal of troops.<sup>94</sup> Above all, the Soviet Union did not believe that the Iranian issue deserved to be on the Council's agenda, considering that the Soviet Ambassador had sent three notes to the Iranian Prime Minister, Ahmad Qavam, clearly outlining Soviet proposals for negotiations:<sup>95</sup>

- (i) The first note announced complete troop withdrawal within five to six weeks given that there did not arise "any unforeseen circumstances". To this note Qavam planned to reply that four weeks were ample time for withdrawal, and that the offer should be communicated to the Security Council.
- (ii) The second note requested the formation of a Soviet-Iranian oil company, with the Soviets to be awarded 51% of the shares. To this note Qavam planned to draft a counter-proposal for the development of Iranian oil resources.

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<sup>92</sup> SCOR, First Year, First Series, 27th meeting, 27 March 1946, p.69.

<sup>93</sup> Mr Gromyko had moved in the Council only the day before (i.e., 26th meeting/26 March 1946) that discussions on Iran should be postponed until 10 April 1946, adding that "the USSR is not prepared and will be unable to take part in a discussion of the Iranian statement", SCOR First Year, First Series, 26th Meeting, 26 March 1946, p.30.

<sup>94</sup> *Ibid.*, Gromyko qualified the Soviet pledge with withdraw her troops with the phrase "unless unforeseen circumstances arise".

<sup>95</sup> These proposals received by Premier Qavam were discussed with the American Ambassador to Tehran, Murray, and subsequently forwarded on to the State Department on 26 March 1946. The notes were an additional cause for the Soviet walkout. The Soviets believed that they had resumed bilateral negotiations with the Iranians and hence the matter did not merit being on the agenda of the Council.

- (iii) The third note contained a Soviet offer to act as mediator between the Iranian Government and Azerbaijan, to help reach an accord regarding the autonomy of the latter. Qavam decided to reject this note completely.

In the meantime the Security Council met on 29 March in a public session to resume discussion of the Iranian situation. Mr. Hossein Ala, the Iranian representative, was embarking on a new strategy, having been granted considerable discretion by Prime Minister Qavam to respond to questions. Ala began testing Russian assurances [made in secret to Qavam] at the Security Council.<sup>96</sup> The Council members suggested that the Council President request the Secretary General in a statement to obtain details about the status of negotiations between Iran and the Soviet Union, and whether or not Soviet troop withdrawal was based on any conditions or agreements.<sup>97</sup> The Secretary General was to report his findings no later than 3 April 1946.

The days between 29 March and 3 April were full of tense expectation. President Truman's comments at a news conference reflected the United States' position vis-a-vis the Soviet Union. Asked if he had "any misgivings about Russia taking a permanent walk", the President replied, "no, I haven't".<sup>98</sup>

From Moscow, the newspaper Pravda described the Council's discussion on Iran as being "superfluous".<sup>99</sup> When the Council met on 3 April 1946, the Russians and Iranians both replied to the Secretary General's inquiries, proving that the fledgling peace organisation was indeed there to serve a purpose.<sup>100</sup>

The Soviet letter explained that Iran and the Soviet Union had reached an "understanding" whereby Soviet troops would evacuate Iranian soil within one and a half months.<sup>101</sup> The Iranian

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<sup>96</sup> SCOR, First Year, First Series, 28th meeting, 29 March 1946, pp.73-82. Mr. Hossein Ala requested the Council to consider the substance of the matter without delay and concluded by saying that it was of the "utmost importance" that the Soviet Union directly communicate its assurances of withdrawal to the Council.

<sup>97</sup> *Ibid.*, p.82. The statement was passed unanimously by all ten members present.

<sup>98</sup> *Truman's Public Papers*, p.173.

<sup>99</sup> *New York Times*, 1 April 1946.

<sup>100</sup> The return of the Soviets to the Security Council after Gromyko's walk out allayed British fears that Moscow probably would not respond to the Secretary General's request because the Kremlin leaders would consider it "unnecessary", *New York Times*, 1 April 1946.

<sup>101</sup> SCOR, First Year, First Series, 29th meeting, 3 April 1946, p.84.

delegation led by Mr. Hossein Ala also submitted a lengthy document which flatly denied the validity of the Soviet reply.<sup>102</sup> In the aftermath of this impasse, with the Soviet delegation boycotting Council discussions, the Iranian representative broke new ground. When asked for his recommendations on the matter, Mr Ala said that, if the Soviet troops withdrew unconditionally by 6 May 1946, Iran would not press the matter before the Council.<sup>103</sup> Faced with a lack of time, the Council adjourned until the next day.

At the first session of the 4 April 1946 meeting, the United States Secretary of State, Byrnes, introduced a resolution calling for the postponement of the Iranian issue until 6 May. The resolution also contained a provision that if "Iran or any member of the Security Council reported anything which threatened to delay the withdrawal, the Council should immediately place the issue at the top of its agenda".<sup>104</sup>

There were mixed reactions from the members of the Council. The Australian representative was the least pleased with the Council's adoption of the United States' resolution. He argued that since there was "no impartial investigation of the facts" and since the Council had not "determined the existence of a dispute" and was thereby unable to "declare the Soviet Union a party to the dispute", the Council had failed to set a precedent and hence weakened its own "authority and prestige".<sup>105</sup> The British representative, Sir Alexander Cadogan, maintained that "in these circumstances, I think there can be no doubt that the Council may well rest content to watch the implementation of the assurances which it has now received". The Council President, on his part, "paid a warm tribute" to Secretary Byrnes and considered "further discussion by the Council of the Iranian case unnecessary".<sup>106</sup> On the whole the Council's role thus far was looked upon by most countries in the Western World as a success.

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<sup>102</sup> *Ibid.*, pp.85-86, according to the Iranian letter, negotiations right from the very outset (30 January 1946) failed to produce any "positive results".

<sup>103</sup> *Ibid.*, p.86.

<sup>104</sup> Kenneth Lee, *op.cit.*, p.222.

<sup>105</sup> The Australian representative's verbatim views on the handling of the Iranian crisis are to be found in *SCOR*, First Year, First Series, 39th meeting 4 April 1946, pp.90-99.

<sup>106</sup> *Ibid.*

## V. Iranian Diplomacy Outside the Auspices of the United Nations

The 4 April 1946 meeting of the Security Council adopted the USA's resolution and recognised the Soviet promise to withdraw by 6 May 1946. On 5 April 1946, Prime Minister Qavam revealed the details of a newly concurred agreement between his government and the Soviets. The agreement was jointly communicated by the Iranians and the Soviets. It remained hinged on the following three issues previously raised by the Soviets in March 1946:

1. The evacuation of Soviet troops by 6 May 1946.
2. The establishment of an Iranian-Soviet joint venture company to develop Iran's northern oil fields;
  - (a) The Soviet Government would own 51% of the stock for the first 25 years: for the next 25 years each Government would hold equal shares;
  - (b) The oil agreement would be ratified by the Majles within seven months of 24 March 1946.
3. Azerbaijan was Iran's domestic problem. Reforms and other questions would be fully subject to Iran's laws and regulations and would be carried out in a "spirit of benevolence."<sup>107</sup>

In almost all respects, Prime Minister Qavam was satisfied that he had struck a good deal with the Soviets. The question of Azerbaijan and the withdrawal of troops was resolved. With regard to oil, he had managed to strike a compromise.

On 6 May 1946, the Iranian delegation notified the Security Council that the Soviet evacuation of the North and North-eastern provinces was complete. "So far as the province of Azerbaijan is concerned" the report read, "the Government has been informed through other sources that the evacuation of USSR troops from that province has been going forward ...These reports have not been<sup>108</sup> verified by direct observations of officials of the Iranian Government". Later in the month of May, the Iranian Government informed the Security Council that it had found "no

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<sup>107</sup> Lenczowski, *op.cit.*, pp.300-301. See also Fatemi in *Oil Diplomacy*, pp.315-316.

<sup>108</sup> SCOR, First Year, First Series, Supplement No.2, p.51.



trace whatever of USSR troops, equipment or means of transport" in the province of Azerbaijan.<sup>109</sup>

Shortly after the withdrawal of Soviet troops, the Iranian Government turned its attention towards the "Azerbaijan People's Republic". Having no support from the Soviet Union, it collapsed before advancing Iranian troops in December 1946, exactly one year and a day after its establishment.<sup>110</sup> The concluding section of the Chapter will examine why the Iranian issue remained on the agenda of the Security Council even after the Soviet troops' withdrawal and to what extent the United Nations played a role in the Iranian Case of 1946.

## **VI. Iranian post-war Diplomacy at the United Nations: The Case of 1946**

After the signing of the Soviet-Iranian accord, the Iranian issue took a new turn. Iran became the centre of a great power controversy over whether the Council should retain the Iranian case on its agenda or not. On the one hand the Soviets wanted Prime Minister Qavam to ask the Council to remove the case from its agenda, while the United States of America strongly advised Qavam to retain the issue before the Council.

On 9 April 1946, the Iranian representative, Mr Hossein Ala, in a letter to the Secretary General, reaffirmed his government's wish to retain the issue on the Council's agenda.<sup>111</sup> This decision was a political victory for the United States in so far as it had succeeded in maintaining United Nations pressure on the Soviet Union. But this was soon reversed on 15 April 1946, when, at the 33rd Council meeting, Mr Ala handed the Council President a telegram from the Iranian Prime Minister Qavam which read "... the Iranian government has complete confidence in the word and pledge of the USSR government and for this reason withdraws its complaint from the Security Council".<sup>112</sup>

The Iranian telegram induced heated debate in the Council. Most Council members asked

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<sup>109</sup> *Ibid.*, p.54.

<sup>110</sup> General Arfa, *op.cit.*, pp.377-379.

<sup>111</sup> *SCOR*, First Year, First Series, Supplement No.2, p.47.

<sup>112</sup> *SCOR*, First Year, First Series, 33rd meeting, 5 April 1946, p.123.

the question whether the Council had the right to retain an issue on its agenda, when the disputing parties wished to have that item removed? They all, however, seemed to agree with the view of the Brazilian representative, who stated that the Iranian case "... is now under the Council's jurisdiction. It no longer rests with the parties concerned whether or not the question be withdrawn from the agenda".<sup>113</sup>

On 23 April 1946, it was decided by the Security Council that the Iranian question would be retained on its agenda.

### Conclusion

Even though the Council was unable to arrive at any concrete decision on the Iranian case of 1946, as the most powerful political organ of the United Nations it did play a major role in the shaping of Iranian foreign policy actions vis-a-vis the great powers. Further, the case of 1946 itself was a means to determine certain outcomes of great power policies towards each other. A careful look at the play of events in Great Power relations in the closing stages of the Iranian Case of 1946, will sum up the role of the United Nations in post-war politics.

At the 23 April 1946 Council meeting, the Soviet representative, Mr Andrie Gromyko, drew attention to the fact that the Soviet Union had asked the Council at its meeting on 3 April to drop the Iranian issue from its agenda. The Soviet representative was told that this was not possible, as Iran had not withdrawn its complaint. Under these circumstances, even after Iran had withdrawn its complaint, some Council members were vying with one another to find new grounds to keep the question on the agenda. According to Gromyko, certain nations were using Iran as, "small change in the bargaining game of international politics."<sup>114</sup> Furthermore, "American insistence that the Council remain seized of the issue, even after Soviet-Iranian accord, was interpreted by the Soviets as further evidence of an anti-Soviet strain in the United States' foreign policy".<sup>115</sup> Hence, the Iranian issue at the United Nations was a major contributing factor to the early dissen-

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<sup>113</sup> *Ibid.*, pp.132-133.

<sup>114</sup> Kenneth Lee, *op.cit.*, p.253.

<sup>115</sup> *Ibid.*, p.258.

sions that developed between the Soviet Union and the Western powers.

However, it must be added that the Iranian case of 1946 was, and is still, considered a prime example of the success of the United Nations in restoring international peace.<sup>116</sup> Although it is difficult to evaluate the exact role of the United Nations in defusing the Iranian dispute, it is possible to weigh the influence it exerted on Iran's foreign policy during that period.

The Iranian Case of 1946, was the first to be presented before the Security Council of the United Nations. If one examines the conditions under which the Iranians submitted their first complaint on 19 January 1946, it is evident that they harboured great expectations of the new peace organisation.

Iran's complaints reflected serious threats to her sovereignty and territorial integrity, but the Council failed to address the crucial substance in Iran's charge against the Soviet Union. Instead of deliberating Soviet interference in the domestic affairs of Iran, the entire question was built up around the focus of the withdrawal of troops from Iran. Nevertheless, given the already strained relations with the Soviet Union, the Iranians did not press for any Council decisions on the matter of interference.

There are those like Leland Goodrich and Anne Simmons who are of the opinion "that the relatively early and satisfactory settlement of the dispute was to a considerable extent a result of the action the Council took."<sup>117</sup> If this analysis is to hold true, then it would seem that Iran put all its hope and trust in the United Nations, "to render justice and force a giant power to withdraw its troops".<sup>118</sup> An analysis which seems more plausible under the circumstances in which Iran found itself would be that advocated by Kenneth Lee Hetrick:

"Iran's strategies at the United Nations consisted essentially of socialisation and embarrassment. Iran sought to 'socialise' the dispute, that is, to increase the number of participants. Iran sought also to embarrass the Soviet Union, although embarrassment was largely a concomitant of the first strategy, not a deliberate policy choice."<sup>119</sup>

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<sup>116</sup> E. Berkley Tompkins, (ed.), *The United Nations: Its Founding, Its Performance and its Future*, The United Nations in Perspective, Stanford, Hoover Institute Press, 1972, p.82. In a speech, Henry Cabot Lodge pronounced the handling of the Iranian case of 1946 by the United Nations as "a success for the world organisation".

<sup>117</sup> Leland M. Goodrich and Anne P. Simmons, *The United Nations and the Maintenance of International Peace and Security*, Washington Dc, The Brooking Institution, 1955, p.286.

<sup>118</sup> Hossein Kazemzadeh, *op.cit.*, p.221.

<sup>119</sup> Kenneth Lee, *op.cit.*, p.221.

The Iranian government used the United Nations as a lever to wedge open the lid of international public opinion; it did not consider it as a deadly weapon which it could use against the Soviets. Iran had no illusions about relying indefinitely on the United Nations. This became very evident when Prime Minister Qavam opened direct negotiations with the Soviets which culminated in Soviet troops withdrawals from Iran.<sup>120</sup>

Finally, what Iranian foreign policy objectives did the United Nations help to satisfy? The focal point of the Iranian question in 1946 was the removal of the Soviet troops and a subsequent end to Soviet interference in the domestic affairs of Iran. Some analysts suggest that the Soviet decision to withdraw its forces from Iran resulted largely from public pressure mobilised through the United Nations. Firstly, there was the wider and more general pressure group from the General Assembly consisting of all member-states. Secondly, there was the narrower but more effective pressure group within the Security Council. Iran used the United Nations "to gain additional support to improve" her "bargaining position" in "behind-the-scenes" negotiations with the Soviet Union.<sup>121</sup>

This chapter has deliberately relied on the historical perspective of Iran-United Nations relations for the following reasons; firstly, the corresponding natures of a nascent United Nations Organisation on the one hand and a developing Iranian foreign policy on the other provided an appropriate backdrop for examining Iran-United Nations relations, especially in the years after 1978-79.

Secondly, the Iranian Case of 1946, amply illustrates the strategic importance of Iran to the great powers. In succeeding chapters it will become evident how Iran evolved its own particular brand of foreign policy, especially during the years of the "oil-boom". During this period too, the great powers did play a role in Iranian policy, both domestic and foreign, until the political upheavals of 1978-79.

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<sup>120</sup> On 5 April 1946, Qavam in a press conference revealed the three-point accord he had entered into with the Soviets. The accord covered troops withdrawal, the Iran-Soviet joint oil venture and Soviet non-interference in Azerbaijan. The entire accord hinged on the oil concessions offered by Qavam on behalf of the Iranian government to the Soviets.

<sup>121</sup> Kenneth Lee, *op.cit.*, p.326.

Thirdly, the early development of both the United Nations and modern Iranian foreign policy worked, to some degree, on each other – especially in regard to the new institution of a UN Security Council. The Council – essentially a great-power body – nevertheless cut and had its teeth shaped by crises such as that of Iran's.

Lastly, the role of the United Nations, as we have seen in this paper, helped to shape Iranian foreign policy rather than determine it. In many respects, this has remained the case. Our further investigations will attempt to focus on those areas where the United Nations has been useful in the furtherance of Iran's national foreign policy objectives.

## Chapter III

### Iran at the United Nations: The Main Landmarks of Pre-Revolutionary Foreign Policy

#### Introduction

The evolution of Iran's foreign policy since the end of World War II reflects the changing power relationships in the Middle East on the one hand, and the major shifts in the international system on the other. The domestic sources of and the interaction between internal and external political developments are of crucial importance to any study of Iran's foreign policy.

In the previous chapter, the dominant theme discussed was the struggle for Iran's survival as an independent state during and immediately after World War II and the subsequent use it made of the UN to achieve that goal. In this chapter the emergence of Iran thereafter as a major actor in the Persian Gulf region, with particular reference to its national foreign policy objectives will be discussed.

The examination of certain aspects of Iranian foreign policy will have a two-fold purpose. Firstly it will explain Iran's foreign policy as practised in the United Nations under the Shah, in relation to its overall security concerns vis-a-vis the superpowers, those relating to regional politics and those affecting its national interests. Secondly it will serve to signal certain core security concerns, some of which were transformed while others continued unchanged, but all of which came under threat in the post-revolutionary period.

Emphasis will be laid on the examination of certain regional issues, which continue to have a direct impact on Iranian foreign policy. In all respects, cases will be chosen which entailed Iranian diplomatic involvement at the United Nations.

## I. Iran's position on international issues at the UN

### I.1 The Chinese Representation Question

In view of the lack of cooperation among the victorious powers immediately after 1945, policy makers in Iran realised that the future role of the UN in matters of peace and security would be limited in the future. After the collapse of the Mossadegh government in 1953, Iran's brief period of neutralism came to an end.<sup>1</sup> Iranian policy makers felt that security could only be guaranteed by forming a regional pact. What followed was CENTO -- under Article 51 of the United Nations Charter, and a bilateral pact with the US in 1959.<sup>2</sup> According to some authors, this period being in the midst of the Cold War, saw a change in Iran's foreign policy position at the UN, which came to identify itself closely with issues important to the US.<sup>3</sup> Among those issues, the Iranian attitude to the question of Chinese representation could be considered as most significant.

For more than a decade (1950-1963), the Iranian government was opposed to the admission (or representation) of mainland China to the UN. It joined the UN in condemning China for its part in the Korean conflict, and established relations with Taiwan in 1957. When the US sought to delay the issue of Chinese representation by declaring it an "important question" -- which required a two-thirds majority in order to be discussed -- the Iranian delegation lent full support.<sup>4</sup> This procedural tactic ensured that any resolution sponsored by the USSR or its allies (in this case Albania), seeking to settle the representatives from Peking in the China seat, would be barred. Iran continued supporting the US and opposing the USSR resolutions from 1961 to 1963.<sup>5</sup>

<sup>1</sup> Mossadegh's outright policy of resistance came to be known as "Siyasate Movazenehe Manfi" or "negative equilibrium policy". The policy advocated a "neither east nor west" approach for Iran. Some authors have attributed his political demise to this policy. See Amin Saikal, *The Rise and Fall of the Shah*, New Jersey, Princeton University Press, 1980, especially p.43.

<sup>2</sup> "CENTO" (Central Treaty Organization) was the new name given to the "Baghdad Pact", after Iraq withdrew in 1958, following a revolution. For documents relating to the US-Iran bilateral pact of 1959 see, *United Nations Treaty Series*, vol.327, no.4725, p.280.

<sup>3</sup> Bruce Russett, *International Regions and the International System: a Study in Political Ecology*, Chicago, Rand McNally & Co., 1967. The author traces the degrees of change in Iran's position at the UN, during and after the Mossadegh periods, p.91.

<sup>4</sup> See John G. Stoessinger, *The UN and the Superpowers: Soviet Interaction at the United Nations*, New York, Random House, 1965, p.26-36.

<sup>5</sup> See *United Nations General Assembly Official Records*, (hereby cited as UNGAOR), 15th Session, October 1960, pp.559-61; *ibid.*, 16th Session, December 15 1961, pp.1068-69; *ibid.*, 17th Session, October 30 1962, pp.647-49; *ibid.*, 18th Session, October 21 1963, pp.18-19. In 1962 and 1963, Iran voted against the USSR and Albanian resolutions, the USSR

In 1965, there was a shift in Iran's position; its support for the US-sponsored "important question" draft resolution changed to an abstention, as did its opposition to the Albanian draft resolution.<sup>6</sup> During the general debate of the UN in the following year, Iran's foreign minister pointed out the need for universal membership:

"The universality of our membership is a matter which we cannot much longer evade, if the United Nations is properly to reflect the great changes which have occurred in the world. Without taking into account these changes in this forum, the United Nations cannot hope to realise its purposes and function effectively as an instrument for the peaceful resolution of conflicts, and for the harmonisation of policies."<sup>7</sup>

In 1966, the Iranian delegation refrained from voting on either the US or the Albanian-led resolutions and also abstained on a new resolution sponsored by Italy calling for an inquiry into all the issues surrounding the question.<sup>8</sup> The year 1967 saw for the first time in that decade Iranian participation in the debate on the question of China. Iran's ambassador, in explaining Iran's voting policy in the last two years stated:

"If my delegation abstained in the last two years both from taking part in the debate and from voting, it was because we felt that the problem of the People's Republic of China was not placed in its proper context."<sup>9</sup>

He then explained that, henceforth, the Iranian delegation would resume voting for the US "important question" resolution because the issue was an important and complex one, calling for the possible expulsion of a member state (government). The ambassador added that his delegation would abstain from the Albanian resolution which sought to expel Taiwan. Given the Iranian government's belief in the principle of universality, it therefore could not agree to expel one member state in order to bring in another country.<sup>10</sup> During the years 1968 to 1970, the Iranian government voted in support of the US-sponsored resolutions and abstained on the Albanian-

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resolution failed by 42:56:12, the Albanian resolution by 41:57:12.

<sup>6</sup> *UNGAOR*, 20th Session, November 17 1965, pp.5-6.

<sup>7</sup> *UNGAOR*, 21st Session, October 14 1966, p.15.

<sup>8</sup> *Ibid.*, 21st Session, November 18-29 1966.

<sup>9</sup> *United Nations General Assembly Plenary, Provisional Verbatim Record*, 22nd Session, November 27 1967, pp.72-73.

<sup>10</sup> The statement of the Iranian delegation read, "If the admission of this country [i.e. the People's Republic of China] did not have as a counterpart in the [Albanian] draft resolution before us the expulsion of the Government of the Republic of China, with which we maintain diplomatic relations, we would have voted in favour of it ... we can only abstain on it." *Ibid.*, 22nd Session, November 27 1967, p.73.



sponsored resolutions.<sup>11</sup>

The change in Iran's attitude towards the question of China's representation can be attributed to a number of trends in the international political scene. Given the geographical distance between Iran and China as well as the alliance which had developed during the Cold War with the US, Iran had no well-founded reason to alter its foreign policy in any way that would alienate the government in Washington. Moreover, during the 1950s mainland China appeared to show close links with the Soviet Union, Iran's northern neighbour and principal security threat.<sup>12</sup> China's policies during this period toward Korea and Tibet were considered by many countries as being expansionist. On the other hand, Iran had maintained diplomatic and commercial ties with Taiwan.

By the late 1960s, however, a number of new trends sought to change Iran's general foreign policy orientation. The Sino-Soviet split evident at the beginning of the decade appeared to be complete by 1965, and competition between these two giants to gain influence had moved to the newly independent African and Asian states. As a result of the thawing of the Cold War, Iran felt it was in its interest to secure peace with its northern neighbour, the USSR.<sup>13</sup> Working towards this peace, the Shah made official visits to the Soviet Union in 1965 and 1967 and signed a number of commercial agreements.<sup>14</sup>

The rapprochement with the Soviet Union led Iranian policy makers to slowly detach Iran from the Western sphere of influence and set it on an independent path. This meant that Iran would seek to orient its foreign policy on fulfilling the demands dictated by its national interests, rather than on satisfying the United States' position on global issues. The post-Cold War scene

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<sup>11</sup> *Ibid.*, 22nd Session, November 28 1967, pp.6-9, *ibid.*, 23rd Session, November 19 1968, pp.108-15; *ibid.*, 24th Session, November 11 1969, pp.41-50; *ibid.*, 25th Session, November 20 1970, pp.31-36.

<sup>12</sup> See for example, Shahram Chubin and Sepehr Zabih, *The Foreign Relations of Iran*, Los Angeles, University of California Press, 1974 and Ruhollah K. Ramazani, *Iran's Foreign Policy 1941-1973*, Charlottesville, University Press of Virginia, 1975.

<sup>13</sup> The process of detente between the Soviet Union and the United States prompted the normalisation of Irano-Soviet relations. The normalisation process began with Iran pledging to the Soviet Union that no foreign rocket/missile sites on its territory would be used against the Soviet Union. See *Iran's Foreign Policy 1941-1973*, *op.cit.*, p.316.

<sup>14</sup> The agreements included the construction of a steel mill in Iran and the transportation of Iranian natural gas to the Soviet Union. For text of the agreements between Iran and the Soviet Union, see *United Nations Treaty Series*, vol.633, no.9037, pp.123-163.

was characterised by superpower cooperation in different spheres. Issues like general disarmament and the Non-Proliferation Treaty in particular, combined with the effects of the Sino-Soviet split, changed the Chinese representation question in the UN.

The specialised literature on this period indicates that the Chinese question came to be regarded by many states in the UN more as an "institutional" one and less as a "superpower" or Cold War issue. During this period, the UN's political role was also at stake due to its inability to act in the face of the large-scale conflict raging in Vietnam. Iran among many states came to regard the exclusion of mainland China as counter-productive. In 1964 when China detonated its first nuclear device, it became clear that Chinese participation in the UN permanent conference on disarmament discussions was absolutely necessary. Some scholars believed that UN membership would have a sobering effect on Chinese revolutionary foreign policy.<sup>15</sup> It was reasoned that, without mainland China's participation in the UN, how could Peking be expected to accept the prevailing norms in the conduct of international relations? Moreover, the world body itself could not play a meaningful role without Chinese participation. In this regard the Shah stated:

"It is my belief that Communist China should become a member of the United Nations. Unless this is achieved, a general, effective and universal disarmament will not be possible. Moreover, it is through the admission of Communist China to United Nations membership that we will be able to discern its outlook and strategy with regard to various problems."<sup>16</sup>

Although Iran's change in position towards the question of China preceded the official announcement of the visit of President Nixon to that country in 1971, it nevertheless put an end to all cautious probing in the matter. On August 19 1971, a month after the announcement in Washington, the Iranian government officially recognised the People's Republic of China as "the sole legal Government ..."<sup>17</sup> When the question was debated during the 26th Session of the UN General Assembly (1971), Iran followed its own strategy by voting.<sup>18</sup> This was not surprising as

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<sup>15</sup> See Stanley G. Hoffman, "The Role of International Organization: Limits and Possibilities", in David Kay (ed), *The United Nations Political System*, New York, John Wiley and Sons, 1967, p.419.

<sup>16</sup> Extract from a statement made by the Shah at a press conference in New Delhi, 1969, reprinted in *Iran's Foreign Policy: A Compendium of the Writings and Statements of His Imperial Majesty Shahanshah Aryamehr*, Tehran, Ministry of Foreign Affairs, no date, 1969, p.135.

<sup>17</sup> The English text of the joint Tehran-Peking communiqué can be found in *Iran: News and Documents*, Tehran, Ministry of Information, vol.III, no.22, August 23, 1971, pp.5-6.

<sup>18</sup> Iran abstained on both the United States "important question" motion draft resolution, as well as on that procedural

evidenced by 1965 and 1966 when, to demonstrate its independence, it had abstained from voting on two resolutions. Various factors have been said to have contributed to its new stance. The growing agreement on the need for Peking's inclusion in the UN, especially on disarmament matters, was also seen as enhancing the role of the UN in world politics. Secondly, in view of the growing polarisation of the Afro-Asian states (and the Asian Group in the UN) on the issue, Iran wanted to show deference by playing a bigger role in this caucus. It is also understood that the earlier double abstention may have been a reaction to Washington's weapons sales policy initiated in 1964.<sup>19</sup>

By 1970, as Washington and other member states of the UN were contemplating a new policy towards China, the Iranian government undertook parallel activity in order not to be left behind. Relations with China could always prove useful vis-a-vis the potential threat from the Soviet Union.<sup>20</sup> Regionally, the governments of Iraq, Syria and Egypt had long recognised China, which was active in certain parts of the Arabian Peninsula. In the sphere of domestic politics, the government felt that it would deprive the Maoist opposition groups of a platform inside Iran. After the establishment of ties in August 1971, various visits seemed to reflect common political views between the two countries.<sup>21</sup>

## I.2 The Vietnam War and Czechoslovakia

The Iranian government's standpoint on these two issues, not unlike many other countries, was taken with one eye on the positions of the superpowers. The Iranian government's respective positions on Vietnam and Czechoslovakia are two good instances of Iran's independent stance on

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resolution itself. It supported, for the first time, the Albanian proposal for the inclusion of the representative of the People's Republic of China into the UN. For the debate and voting, see *United Nations General Assembly, Provisional Verbatim Records*, 26th Session, October 25 1971.

<sup>19</sup> Up until 1964, US military aid to Iran was 100% grant-based. By 1965-67, it was a mixture of grants, cash and credit sales. By 1969, it had mainly become cash and credit sales.

<sup>20</sup> When the Soviets put forward an Asian-collective security proposal, both Peking and Tehran viewed it as a camouflage for Soviet penetration and hegemony in Asia and the Indian Ocean region. See V. Kudrayavtsev, "Problems of Collective Security in Asia", *International Affairs*, (Moscow), no.XII, 1973, and V. Pavolovsky, "Asian Security and Peking Policy", *Newtimes*, no.23, July 1974, pp.25-26.

<sup>21</sup> In 1973 China's Foreign Minister, while on a stop-over visit in Tehran, assured the Shah of his government's understanding of Iran's stability policy plans in the Persian Gulf. See, R. Foot, "China's New Relationship with Iran", *Contemporary Review*, no.266, February 1975, pp.100-104.

issues of foreign policy, which had come to be based more on national interest. In addition, they also reflect Iran's concern about excessive superpower involvement in regional politics.

The position taken by the Iranian government in the UN with regards to Vietnam was as follows:

"We hold the opinion, which is generally shared, that the situation in South-East Asia constitutes a formidable danger to world peace. The right of the people of Vietnam freely to decide their own future, without interference from outside, admits of no question. We hold that it is our duty to help the people of Vietnam to realise their aim of independence free of all external pressures. The war causes untold suffering. It threatens to escalate and spread its horrors. Our anxiety is only too well justified."<sup>22</sup>

In the same speech, the Iranian representative ... "acknowledged that there [could] be no military solution of the Vietnam question" and any "answer to the problem [could] only be of a political nature". The Iranian delegation was of the view that this process would have to be based upon the proposals stated by the Secretary General.<sup>23</sup> These same points were stressed again by the Iranian delegation in the General Assembly debates of 1967, 1968 and 1969.<sup>24</sup> The absence of any direct criticism of US policy in Vietnam by Iran can be attributed to its own future security concerns, which could have been jeopardised given the Johnson administration's sensitivity to the war. However, the Shah is reported to have had his reservations on the matter.<sup>25</sup>

The Iranian government's stand on the Soviet invasion of Czechoslovakia can be seen as a part of its independent national foreign policy which had begun in 1965-1966. As the question of Czechoslovakia was not pursued with great vigour in the UN, since it was viewed as an event within the Warsaw Pact, it makes the Iranian reaction all the more significant. Although the Shah did not allow the Soviet invasion to interfere with Iran's recently improved relations with that country,<sup>26</sup> the Iranian delegation to the UN reminded the USSR of its illegal action. In the

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<sup>22</sup> UNGAOR, 21st Session, October 14 1966, p.16.

<sup>23</sup> *Ibid.*

<sup>24</sup> *United Nations, General Assembly, Provisional Verbatim Record, 22nd Session, October 2 1967, p.67; ibid., 23rd Session, October 15 1968, p.37; ibid., 24th Session, October 2 1969, pp.57-71.*

<sup>25</sup> The Shah is reportedly to have stated to the author: "I am for your policy in Vietnam, but I must be opposed to the internal interference in which you Americans engage". E.A. Bayne, *Persian Kingship in Transition*, New York, American Universities Field Staff, 1968, p.216.

<sup>26</sup> It has been reported that when the Shah decided to go ahead with his visit to the Soviet Union in the aftermath of the invasion, the governments of Britain and the United States strongly advised against it. The Shah however went ahead with his scheduled visit, a month after the invasion. See E.A. Bayne, "A Heritage from Xerxes", New York, American University Field Staff Reports, *South West Asia Series*, vol.XVII, no.1, Iran, May 1969, p.5.

general debate following the invasion, the Iranian representative stated: "It is our view that the armed intervention in Czechoslovakia, which has taken place without an appeal from the legal government of that country, is unjustifiable".<sup>27</sup>

In comparing the Iranian reactions to the above two issues, it is valid to make the following observations. In the case of Vietnam, Iran -- while critical of US interference in the internal affairs of that country -- did not view overall American policy as being illegitimate. In the latter case, Iran continued its balancing act, i.e. anxious to keep good relations with Moscow while recognising the latent danger of dealing with the Soviet Union. In this regard, the usefulness of its close links with the US and other Western countries helped it to form what is considered to be an independent national foreign policy. However, Iran's position on international issues, although guided by its own interest, was able to exert only a limited degree of independence. In the context of the UN it sought to maintain a balance between the US and the USSR on issues pertinent to its own security policy.

## **II. Iran's Position on Regional Issues at the UN**

### **II.1 The Arab-Israeli Dispute**

The Iranian government recognised the de facto existence of Israel in the mid-1950s, a statement reiterating this in 1959 led to the breaking of diplomatic relations with Cairo. In the course of the next decade Iran's relations with Iraq and Syria along with Egypt suffered an all-time low. Nasser's brand of Arab nationalism sought to isolate Iran and posed a direct threat to the Pahlavi monarchy. These developments led Iran and Israel to form closer ties, at least in certain areas. For example, Iran maintained a sizeable trade delegation in Israel and is said to have benefited from Israeli expertise in agriculture. Although no formal diplomatic ties existed between these two countries, cooperation was forthcoming in sensitive areas such as intelligence, and the Shah was said to admire the Israelis and their achievements.<sup>28</sup> Regionally, the Shah's differences with

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<sup>27</sup> *United Nations, General Assembly, Provisional Verbatim Records, 23rd Session, October 15 1968, pp.38-40.*

<sup>28</sup> *Persian Kingship in Transition, op.cit., p.212.*

Nasser and the growing role of Egypt in the politics of the Middle-East made Iran and Israel natural allies. However, in the wake of the 1967 Arab-Israeli war, this relationship changed considerably.

In line with the Shah's belief that Israel must return the territory occupied by force to the Arabs, the Iranian government co-sponsored a draft resolution calling on Israel "to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem". The resolution was adopted with an overwhelming majority,<sup>29</sup> and was followed by an even more strongly worded draft resolution, adopted with no opposition.<sup>30</sup> The emphasis put on withdrawal of Israeli forces by the Iranian government led it closer to the position adopted by certain Arab states and the Afro-Asian non-aligned states.<sup>31</sup> The statements of the Iranian representative to the UN in this context, in consecutive years, reflect in part the main preoccupation of Iran's policy makers. In 1968 and 1969 the Iranian representative stressed that "no state must be allowed to extend its frontiers as a result of war," and emphasised its views regarding withdrawal as a necessary precondition to negotiations.<sup>32</sup> The Iranian government also felt that General Assembly politics should not interfere with UN-sponsored diplomacy and negotiations.<sup>33</sup>

The Iranian government's attitude to the settlement of the dispute, was influenced by a number of factors. The speed with which Israel forced a defeat changed Iranian perceptions of the relative military capabilities of the main actors in the region. It can be argued that Israel's actions in 1967 preoccupied the Arab states of the Eastern Mediterranean, thus turning those states attention away from Iran and the Persian Gulf. In the minds of Iranian policy makers, not having an expansionist Arab state in the region was desirable, but this did not rule out the possibility that

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<sup>29</sup> The statement is contained in *General Assembly Resolution 2253*, adopted by a vote of 99:0:20, see *UNGAOR*, 5th Emergency Special Session, July 4, 1967.

<sup>30</sup> Draft Resolution 528/Rev.1, was adopted 99:0:18, see *UNGAOR*, 5th Emergency Special Session, July 14 1967.

<sup>31</sup> Given Iran's historical experiences with occupation, this stance was not new.

<sup>32</sup> The quoted statement can be found in *United Nations, General Assembly, Provisional Verbatim Records*, 23rd Session, October 15 1968, p.37. Also see *ibid.*, 24th Session, October 2 1969, pp.61-62.

<sup>33</sup> The Shah's personal envoy, Princess Ashraf, stated that she hoped "all parties will endeavour to facilitate [Dr. Gunnar Jarring's] delicate task" and that "no decisions ... be adopted by the General Assembly which might hamper that possibility". See *ibid.*, 25th Session, October 28 1970, p.7.

one day Israel's role might "change into that of an expansionist proximate one".<sup>34</sup> In addition, they noted the pre-emptive nature of the war, the lack of control of the superpowers over their clients in the region and the inaction of the UN, when Israel refused to heed the resolutions or abide by the Charter. In all probability these factors influenced Iranian policy makers between the years 1967 and 1971. The mass proliferation of weapons and the formation of different militant groups in the region also increased the gravity of the situation.

During this period, Iran's relations with many of the Arab states improved, especially with Egypt. In March 1971, the Iranian government blamed the non-settlement of the issue on the Israeli government's intransigence and praised the Egyptian position as accommodating.<sup>35</sup> It is believed that Iran's position on the Palestinian issue had not changed in substance. Any distrust of the Arab world basically stemmed from Nasser's call for Arab unity, which conflicted with Iran's security perceptions of the region. However, in the aftermath of Nasser's defeat in 1967, the Iranian government maintained a position which was closely akin to that of Egypt and other Muslim states. But the Iranian government was not willing to take the matter beyond the framework set by the UN. In this respect, the Iranian foreign minister -- speaking at the UN -- emphasised that his government supported "the declaration of the Rabat Islamic Conference, *which is in conformity* with resolutions adopted by the General Assembly and the Security Council of the United Nations ..." <sup>36</sup>

In conclusion, the reason Iran refused to join the anti-Israeli lobby was because it recognised Israel's right to exist and maintained ties with that state. On the other hand, it recognised the rights of the Palestinians and sought to maintain its relations with Jordan, Saudi Arabia and -- since the mid-1970s -- Egypt. For a considerable period of time, Iran balanced these two opposing forces in her foreign policy by basing her diplomacy on the provisions laid down in the United Nations Charter. This non-committed stance on the Palestine question allowed the Shah to argue

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<sup>34</sup> Sepchr Zabih, "Iran's International Posture: De Facto Nonalignment within a Pro-Western Alliance", *The Middle East Journal*, vol. XXIV, no. 3, Summer 1970, p. 318.

<sup>35</sup> See *Kayhan International*, March 13 and 20, 1971.

<sup>36</sup> *United Nations, General Assembly, Provisional Verbatim Records*, 24th Session, October 2 1969, p. 61. Emphasis added.

that his government had always maintained a firm position on the issue. The following passage clearly illustrates this point:

"With regard to Palestine, we have not adopted a new policy ... Our policy has always been clearly defined and undeviating. This policy can be summed up in adherence to the principles set out in the United Nation's Charter."<sup>37</sup>

Iran's position as explained above reflected a need for balancing her many interests in making up her foreign policy. Foremost in this regard was the need for stability in the region. With the announcement that the British were to evacuate the security zone East of Suez, this need became even more acute. Succeeding sections will demonstrate Iran's diplomacy within the UN in this context.

### III. Iran's Response to Local Issues at the United Nations

#### III.1 The Question of Bahrain

Iran's claim to Bahrain was based upon the fact that the islands were under Persian rule from 1602 to 1787, and although the Portuguese and later the British divested Persia of state control, this could not obliterate its legal claim. In more recent times, the argument was that Britain's exclusive treaty (1880) with the Sheikh of Bahrain was disguised colonialism which should be brought to an end.<sup>38</sup>

The Iranian government thus continued to emphasise its claim to the Islands. These claims were sporadic, with the exception of the events following on from the year 1956. The 1956 claim was followed up in November 1957, whereupon the Shah instructed the Cabinet to present a bill to the Majles (parliament) proclaiming Bahrain as a sovereign part of Iran and designating it as Iran's fourteenth province (Ostan). In November 1958, the Shah voiced his readiness to accept the allegiance of the rulers of the islands.<sup>39</sup> During the 1960s, however, Iran's claim to Bahrain

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<sup>37</sup> *Iran's Foreign Policy, op.cit.*, p.126. The passage is quoted from the Shah's interview with the editor of an Arabic newspaper, based in Baghdad.

<sup>38</sup> For a historical discussion of the competing claims to Bahrain see Fereydoun Adamiyat, *Bahrain Islands: a Legal and Diplomatic Study of the British-Iranian Controversy*, New York, Praeger, 1955; and J.B. Kelly, "The Persian Claim to Bahrain", *International Affairs*, vol.XXXIII, no.1, 1957, pp.54-70.

<sup>39</sup> *Keesing's Contemporary Archives*, vol.XVII, 1970, p.23.998.



fell silent. It was a time when Iran was seeking all the Arab support it could muster to counter Egyptian influence in the area. For example, there came into being an understanding between Saudi-Arabia and Iran, both of whom were threatened by revolutionary activity sponsored by Nasser in Yemen. With the defeat of Nasser's forces in 1967, Saudi-Iranian cooperation appeared to slow down, only to be revived by Britain's decision to withdraw from Aden and from the Persian Gulf region.

It must be mentioned that the Saudi-Iranian relationship was deemed to stay grounded as long as Iran laid claim to Bahrain. For the Saudis, Iran's claim posed the following problems: it lent credibility to the revolutionary Arab slogan that Iran had expansionist designs in the Persian Gulf, which meant that the Arabs of the region were endangered. This discouraged the Saudi-Arabian government from openly cooperating with the Iranians, for fear of causing negative repercussions in the Arab world. Secondly, Bahrain refined some of Saudi Arabia's oil but, more importantly, it lay only twelve miles from Saudi soil. Iran's presence on the island could cause untold geo-strategic complications. Lastly, Iran's claim to Bahrain was a major stumbling block for any regional federation or grouping among the Persian Gulf sheikhdoms, which Saudi Arabia backed, particularly after the British announcement to withdraw from the region.<sup>40</sup>

By the latter half of the 1960s the Iranian government realised that its claim to Bahrain was seriously hampering future cooperation with the Arab littoral states, which up to now it had treated as a separate issue. In addition, dropping its claim on Bahrain would prove the arguments of its enemies wrong and pave the way for a regional security system. The United Nations at this juncture proved to be the appropriate forum in which Iran could conduct its diplomacy.<sup>41</sup>

The Iranian leadership had two primary concerns in the process of relinquishing its claim over Bahrain: it had to save diplomatic face and it wanted to avoid the possible constraints which could be posed by Iranian domestic reaction. In 1969 the Shah, on a visit to India, took the opportunity to declare that Iran would not use force in settling the question of Bahrain. He

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<sup>40</sup> See "The Settlement of the Bahrain Question: A study in Anglo-Iranian-UN Diplomacy", *Iranian Review of International Relations*, no.I, Summer 1974, pp.34-40.

<sup>41</sup> *Ibid.*

declared that the people of Bahrain would be free to decide their own future.<sup>42</sup> In this connection, the Shah felt that the matter could be entrusted to the UN and added: "If I agreed to the renouncement of Iran's claim to Bahrain without first engaging in this experiment, it would undoubtedly be construed as a form of betrayal of my people".<sup>43</sup>

After long negotiations with the British government, a formula was agreed upon in March, 1970, regarding the future status of Bahrain. The Iranian government invited UN Secretary-General U Thant to employ his good offices in solving the matter. Without going into detail, it will suffice to say that the agreement between the Iranian and British governments was straightforward. The Secretary-General was to appoint a personal representative and a fact-finding team, who would visit Bahrain, ascertain the wishes of the people and report them to the Security Council. In the absence of a referendum (which was recommended by the UN), the people of Bahrain were to have three choices

- (i) to rejoin Iran as part of that country's sovereign territory;
- (ii) to remain a British protectorate;
- (iii) to gain an independent status, either within the proposed Federation of Arabian Emirates or as an independent state.

Not surprisingly, the personal representative, Mr. Vittorio Winspeare Guicciardi, and his four-man team in a short time ascertained that the "overwhelming majority" of Bahrain's population favoured independence.<sup>44</sup> On receiving this report, the Security Council unanimously approved it and the governments of both Britain and Iran dropped all claims in deference to the outcome.<sup>45</sup>

It can be argued that the UN served the Iranian government as a means to rid itself of a

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<sup>42</sup> Salient points of the Shah's speech at New Delhi have been quoted in *Iran's Foreign Policy*, *op.cit.*, pp.101-104.

<sup>43</sup> Quoted from an interview of the Shah by a British Labour Party M.P. *ibid.*, p.105.

<sup>44</sup> *Report of the Personal Representative of the Secretary General in Charge of the Good Offices Mission, Bahrain, UN-Doc.*, no.S/9772.

<sup>45</sup> For detailed discussions of the legal and political aspects of the settlement see, "Settlement of the Bahrain Question", *op.cit.*, pp.21-54. Edward Gordon "Resolution of the Bahrain Dispute", *op.cit.*, *American Journal of International Law*, vol.LXV, no.3, July 1971, pp.56-78. For the role played by the UN, see "Report of the Secretary General on the Work of the Organization June 16 1969 – July 15 1970", *UNGAOR*, 25th Session, Supplement IA, pp.70-74.

claim which, if pursued, would have proved more costly than beneficial. Iran's timely decision to involve the UN as the final arbiter in the dispute not only served as a face-saving mechanism, but also enhanced its prestige in the international community. This was recognised at least by Iran's foreign minister who stated:

"Seldom have governments shown readiness to submit questions of national interest to the judgement and action of bodies outside their own control. In this instance, consideration for the common good, in conformity with the basic principles of the Charter, prevailed over self-oriented policies. By having recourse to the machinery of the United Nations we have shown how effective the United Nations system can be in the peaceful settlement of international disputes ..."<sup>46</sup>

The settlement of the question of Bahrain can be cited as a prime example of the amicable settlement of disputes and the value of UN diplomacy in the foreign policy of Iran. By facilitating diplomatic contacts between Iran and the United Kingdom, the UN was able to create the environment for an impartial enquiry into the issue and at the same time allow the Iranian government to terminate a burdensome claim.

### III.2 The Shatt al-Arab Dispute

Iran's dispute with Iraq over the Shatt al-Arab waterway came to the fore in 1969, when the activities of the United Nations served to bring out the differences between the two states; Chapter six will deal in more detail with the Iran-Iraq war and the United Nations in the post-revolutionary period.

The dispute which flared in April 1969 has a long history both within and outside international organisations, and basically revolves around the question of a precise boundary between the two states. In the winter of 1934, the question was taken to the League of Nations Council by Iraq. The dispute was thought to have been settled by the autumn of 1937, after a series of meetings were undertaken at the suggestion of the League rapporteur (in Rome and Geneva). However, the hastiness with which the agreement was concluded was partly necessitated by the Italian invasion of Ethiopia and the organisation of a regional nonaggression pact- the Sa'adabad Pact,<sup>47</sup>

<sup>46</sup> *United Nations, General Assembly, Provisional Verbatim Records, 25th Session, October 1 1970, pp.23-25.*

<sup>47</sup> *See J.C. Hurewitz, Diplomacy in the Near and Middle East: A Documentary Record, vol.II, Princeton, Van Nostrand,*

brought about by pressure exerted by the British government. Because of these circumstances, neither party was satisfied and the Irano-Iraqi treaty of 1937 only offered a brief respite.<sup>48</sup>

In July 1958, the monarchy in Iraq was replaced by a republican government by means of a violent coup. In the following year Abdal-Karim Qasim emerged as the leader and announced his government's withdrawal from the pro-western Baghdad Pact. Qasim claimed that the whole of the Shatt al-Arab waterway was part of Iraq's sovereign territory, and he dismissed the 1937 treaty as having been forced on Iraq by the British government. This was followed by the amassing of troops on both sides of the border, mutual condemnation and the recall of the Iranian ambassador from Baghdad.<sup>49</sup>

In January 1960, the government of Iran formally claimed half of the Shatt al-Arab, and accused Iraq of interference with Iranian shipping, misappropriation of the funds collected as fees by the Iraqi Port Authority, and various violations along the common frontiers. The Iraqi government in turn, claimed its sovereignty over the entire waterway and the matter rested there until 1961, when the issue of navigation rights was reopened. The Iranian government demanded that Iranian-owned vessels be allowed to berth in the Port of Abadan. The Iraqi Port Authority maintained its position, i.e. that any navigation in the waterway could be undertaken only if Iraqi pilots were used. This impasse caused shipping movement in the Shatt al-Arab to slow down and affected the Iranian transport of oil. Clearly, the Iraqis were able to exert considerable economic pressure on Iran during this period.

Five years later, almost identical events marked the beginning of the second phase of the dispute. In December-January 1965-66, the Iraqi government in its campaign against the Kurds, sent troops across the Iranian border, and several Iranians (probably Iranian Kurds) were killed. This again led to the deployment of troops along the frontier, with the Iraqi government accusing Iran of aiding the Kurdish rebels led by Mustapha Barzani.<sup>50</sup> The Iraqi government sought help

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1956, pp.214-16. The signatories to the Pact were Afghanistan, Iran, Iraq and Turkey.

<sup>48</sup> For text, see *League of Nations Treaty Series*, vol.CXC, no.4402, 1938, pp.21-27.

<sup>49</sup> See *Keesing's Contemporary Archives*, (Henceforth as *Keesing's*, vol.XI, 1957-1958, pp.16305-16307 and *ibid.*, vol.XII, 1959-1960, p.17357.

<sup>50</sup> See *Keesing's*, vol.XV, 1965-1966, pp.21538-21539.

from the Arab League in the event of a pre-emptive attack by the Iranians. However, this phase of the dispute ended with a meeting between the prime ministers of both states and an agreement to set up joint committees to study and monitor frontier problems.

Despite the formation of these joint committees, there was no progress on the border question. For almost two years (January 1966 to July 1968) the stalemate continued. In January 1968 when the British Labour government announced its intention to withdraw from the Gulf by 1971, a new dimension was added to Iranian foreign policy. The Persian Gulf region, which was hitherto immune from outside interference because of the British presence, was now open to potential rivalries from within and without.<sup>51</sup> This shift was accompanied by a sense of urgency in the foreign policies of the littoral states and Iran. The Iraqi government was relatively inactive, unable to manoeuvre freely, given its relations with the neighbouring states. Kuwait was wary of Iraq, after experiencing claims on her national territory. The monarchies of Saudi Arabia and Jordan were cautious in their relationship, since the regicide which occurred in Iraq in 1958. Syria and Egypt were unable to maintain a stable relationship with a state which aspired to lead the Arab world as Iraq did.

Iran's attempt to fill in the void in the aftermath of British withdrawal was based on its capacity to develop smooth working relationships with the littoral states. To a certain extent this was hampered by Iraq, which attempted to polarise Arab support against Iranian aspirations of donning the mantle of peacekeeper in the area. This was evidenced when, in the aftermath of a breakdown in dialogue (in Baghdad) between the Iranian and Iraqi governments in the early months of 1969, the Iraqi government stressed the "Arab" nature of the Persian Gulf and decried the forces of "imperialism" in the area.<sup>52</sup>

In April 1969, it was learnt that the Iranian deputy foreign minister, addressing the Iranian House of Senate, had denounced the Iran-Iraq treaty of 1937 as null and void.<sup>53</sup> In response to

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<sup>51</sup> For an account of Iranian foreign policy objectives in the wake of the British withdrawal from the Persian Gulf see R.M. Burrell and Alvin J. Cottrell, Iran, *The Arabian Peninsula and the Indian Ocean*, New York, National Strategy Information Center Inc., 1972, pp.10-19.

<sup>52</sup> *The Times* (London) April 11 1969.

<sup>53</sup> *UNDoc S/9185*, This information was contained in a letter from the Iraqi acting Permanent Representative to the President of the Security Council and was not disputed by Iran.

Iraq's threat of use of force (if Iranian ships failed to lower the national flag or allowed its nationals to board the ships while in the waterway),<sup>54</sup> the Iranian government strengthened its border forces. For the next two months, the Iranians plied their vessels through the waterway with air and naval support, but the Iraqis hesitated to enforce their ultimatum. The salient distinguishing factors of this crisis in relation to those that had occurred in the past were:

- (i) the local political nature of the crises;
- (ii) the aggregation of lessons of past crises; and
- (iii) the involvement of the UN in subsequent discussions of the crises in legal terms.

Past manifestations of the dispute had demonstrated the dissatisfaction of both parties with the 1937 treaty. This was evidenced from the poor outcomes of the joint committees established since 1966. Even more important, the crises had overspilled into other contentious areas such as the question of the Kurds, border skirmishes, Iranian pilgrimages to the holy sites in Iraq and the consequences for Iranian navigation in the Shatt al-Arab in the event of unfriendly policies pursued by Iraq. In the past, Iran -- weak domestically and on poor terms with the Soviet Union -- could not afford to challenge Iraqi claims, but by 1969, with a strong economy and a thawing of relations with the USSR, it was able to act more firmly. In contrast, Iraq had failed to maintain stable relations with its neighbours and had managed to alienate the Kurdish population within its own borders. Significantly, Iraq's diplomacy of polarisation had failed to achieve its objectives and Arab countries like Egypt remained neutral in the dispute.

From an examination of the UN diplomacy surrounding the dispute, it becomes apparent that the Iranian government desired a change in the 1937 treaty, which it viewed as a colonial legacy working to the advantage of Iraq. The Iranian government was also of the opinion that Iraq had failed to live up to the obligations imposed by the treaty. Legally, the Iranian government argued that (i) treaties signed under duress and (ii) treaties that are unequal are sufficient grounds for abrogation. Politically, it felt that the treaty due to its "colonialistic aspect is null and

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<sup>54</sup> *UNDoc S/9200*. This information was furnished by the Iranian Permanent Representative to the President of the Security Council and was not disputed by Iraq.

void", and by history and geography the "entire northern shore constitu[ed] Iranian territory."<sup>55</sup>

By 1970 Iraq began to adopt a new tactic to isolate Iran from among the Arab states and the Afro-Asian group in general. This led the Iranians to retreat into the legal aspects of the question. At the 25th session of the UN, the Iraqi representative opened his speech by referring to the "imperialist-Zionist aggression" against the Arab world<sup>56</sup> and rejected the notion of a "political vacuum" developing in the aftermath of British withdrawal as "the Trojan Horse of foreign imperialistic interests". He also referred to the Persian Gulf as the "Arab Gulf" and supported Vietnam in its struggle against the United States.<sup>57</sup>

Judging from Iran's brief response to the above issues and its indirect link with the Shatt al-Arab question, one can only speculate that Iran was unwilling to enter into a debate with Iraq over questions which might force her to take sides at the expense of losing support in the Afro-Asian and Arab caucuses. Iran's spokesman made sketchy references to the situation in the Middle-East, and stated that the Shah was "ready to declare the Middle East a nuclear free zone" and that the "question of security" constituted the "cornerstone of [Iran's] independent national foreign policy".<sup>58</sup> With regards to the Shatt al-Arab, the Iranian spokesman reminded the members of Iran's record of solving disputes amicably (Bahrain), and called it the "only sore spot in the relations with our neighbours". To match Iraqi rhetoric, the Iranian representative added that his government considered the 1937 Treaty as "dead" and would not "tolerate the legacy of imperialism in any form", while inviting negotiations with the government of Iraq at any time or place.<sup>59</sup>

However non-influential the UN was in the resolution of this dispute, it nevertheless provided a forum to both parties to state their respective cases. In addition, the attempt by Iran, at the United Nations conference on the Law of Treaties in Vienna in May-June 1969,<sup>60</sup> to reject the

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<sup>55</sup> UNGAOR, 24th Session, 2nd October 1969, p.15.

<sup>56</sup> UNGAOR, 25th Session, 30th September 1970, p.13.

<sup>57</sup> *Ibid.*, p.15.

<sup>58</sup> UNGAOR, 25th Session, 1st October 1970, p.5-6.

<sup>59</sup> *Ibid.*, pp.6-7.

<sup>60</sup> For the Iraqi delegate's arguments for upholding the sanctity of treaties, and the Iranian delegate's *unsuccessful* try at amending a provision in the International Law Commission draft, which would increase the possibilities of terminating treaties. See *United Nations, Conference on the Law of Treaties, Official Records, 2nd Session, Vienna, April 2-May 22*

1937 treaty as a colonialist document and on grounds of its legalistic interpretation can be considered as an antecedent to similar attitudes towards codified international law in the post-revolutionary era. Attempts by third parties to mediate were not successful until an accord was reached in Algiers in 1975.

In concluding this section, it would be pertinent to observe that, while policy makers in Iran successfully utilised the auspices of the United Nations to settle the question of Bahrain, the same kind of success was not possible in the case of the Shatt al-Arab. This was primarily because of inherent distrust which existed between the two parties with conflicting regional aspirations, and was not due to differences in interpreting the treaty of 1937. It is in this particular context that the next case, viz: the Iranian occupation of the three islands in the Persian Gulf, is to be examined.

### **III.3 The Question concerning the Islands of Abu Musa, the Greater and Lesser Tunb 1971**

By letter dated 3 December 1971 addressed to the President of the Security Council, the representatives of Algeria, Iraq, the Libyan Arab Republic and the People's Democratic Republic of Yemen requested an urgent meeting of the Security Council to consider "the dangerous situation in the Arabian Gulf area arising from the occupation by the armed forces of Iran of the Islands of Abu Musa, the Greater Tunb and the Lesser Tunb, on 30 November 1971".<sup>61</sup>

In a separate letter dated 7th December 1971,<sup>62</sup> the representative of Iraq transmitted to the Secretary-General the text of a cable dated 30 November 1971 from the ruler of Ras al-Khaima in which the ruler stated that Iranian troops had invaded the two islands of Tunb, which were an indivisible part of the territory of Ras al-Khaima. Having charged Iran with aggression, the ruler requested Iraq to take immediate and effective measures to repulse the aggression and to submit the matter to the Security Council, as well as the Council of the League of Arab States.<sup>63</sup>

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1969, pp.110-11 and 136.

<sup>61</sup> *UNDoc S/10409*, 3rd December 1971. Note the reference made to the Persian Gulf as the Arabian Gulf.

<sup>62</sup> *UNDoc S/10434*, 7th December 1971.

<sup>63</sup> The Sheikdom of Ras al-Khaima remained outside the Union of six of the Trucial Coast Sheikdoms which had declared themselves as the United Arab Emirates. This lack of international status prompted the ruler of Ras al-Khaima to ask the Iraqis to intervene on his country's behalf.



The question was adopted as an item on the Security Council's agenda without any objection from any of the members, and Iraq among other countries was invited to participate in the discussions.<sup>64</sup> It will become clear from an examination of the ensuing discussions that the accused in this case were both Iran and the United Kingdom. The statements made by various representatives also reflect a serious crisis in the power situation in the Gulf on the eve of the British departure.<sup>65</sup> It would be in place to recount briefly the actual incident, i.e. the occupation of the islands by Iran, before examining the discussions at the Security Council.

Shortly before the inauguration of the United Arab Emirates (December 1971), Iran landed troops on three small islands -- Abu Musa, and the Greater and Lesser Tunbs in the Straits of Hormuz, the strategically important seaway at the entrance to the Persian Gulf. In the case of Abu Musa the Iranian landings were made in agreement with the State of Sharjah,<sup>66</sup> which previously occupied the island under British protection; in the case of the Tunbs, however, which were formerly held by Ras al-Khaima, no such agreement was reached and the Iranian landing was made forcibly, involving some fatal casualties on both sides.<sup>67</sup>

On various occasions during the summer of 1971 the Shah of Iran, his Prime Minister Mr. Hoveida, and the Foreign Minister, then Mr. Zahedi, all made statements asserting Iran's right to the three islands when Britain withdrew from the Gulf at the end of the year. The Shah and his ministers further claimed that the islands were Iranian before they were occupied by their present Arab owners in the 19th century, when Iran was politically weak; and that with the impending departure of the British, Iran would reclaim these islands, if necessary by force, as they were imperative to Iran's security. The sovereignty of the islands, they added, was not negotiable.<sup>68</sup>

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<sup>64</sup> The above question was considered as an agenda item by the Security Council at its 1610th meeting on 9 December 1971, the other countries invited to speak on the issue were Algeria, Iran, the Libyan Arab Republic, the People's Democratic Republic of Yemen, Kuwait and the United Arab Emirates.

<sup>65</sup> With the forthcoming withdrawal of British forces from the Persian Gulf at the end of 1971, the 150-year-old treaties whereby Britain had been responsible for the defence and foreign relations of the Trucial Coast Sheikdoms were terminated, being replaced on December 2nd by a new Treaty of friendship between Britain and the United Arab Emirates. *Keesing's*, vol.XVIII, 1971-72, p.25010.

<sup>66</sup> Crucial excerpts of the agreement between Iran and the Sheikh of Sharjah with regard to Abu Musa is available in *ibid.*, p.25010.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.* Also see *The Guardian*, 3rd December 1971. "Iran has always said it would take the islands one way or another for strategic reasons" ...

The Iraqis voiced strong opposition to Iran's claim on the islands, accusing Iran of "expansionist schemes" which would constitute a "grave threat to peace and international navigation in the whole area". On 30 November 1971, following the Iranian occupation of the Tunbs, Iraq broke off diplomatic relations with both Iran and Britain.<sup>69</sup>

At the 1610th meeting of the Security Council on 9 December 1971, the Iraqi representative stated that the recent events in the Gulf had resulted in a tense and serious situation and posed a potential threat to the peace and security of the entire region. The Iraqi representative charged further that the armed aggression by Iran was in contravention of Article 2 (4) of the UN charter and demonstrated collusion between Iran and the United Kingdom. He concluded his statement by noting that Iranian aggressions and violations of the Charter directly threatened Iraqi interests, and that his Government reserved the right to take any and every action in order to protect its territorial integrity and vital interests in the Gulf. The representative of Iraq also appealed to the Security Council to condemn Iran as an aggressor and Britain as its collaborator.<sup>70</sup>

After the representatives of Kuwait, Algeria and the People's Republic of Yemen had spoken (all condemning the Iranian use of force), Iran was called to take the floor. The Iranian representative stated that his government was justified in its actions with regard to the three islands, because there was no doubt that they belonged to Iran. Whereas arrangements had been made concerning the islands of Abu Musa which met with the approval of the ruler of Sharjah, negotiations to find a solution with regard to the Tunb islands had failed. This left Iran with no alternative but to exercise its sovereign rights over what was Iranian territory. He concluded by saying that the "Iranian Government [would] not allow a single inch of its territory to be violated," and the entire affair was "an irresponsible attempt to undermine the friendly relations that exist between Iran and our Arab brothers, particularly at a time when the greatest degree of solidarity and unity is needed among all Moslem states."<sup>71</sup>

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<sup>69</sup> *Keesing's*, vol.XVIII, 1971-72, p.25011.

<sup>70</sup> *Security Council Official Records (SCOR)*, S/PV1610, 9 December 1971, paragraphs 56-113.

<sup>71</sup> *Ibid.*, paragraphs 193-220.

Sir Colin Crowe, the representative of the United Kingdom, recalled the decision of his government that the existing treaties between Bahrain, Qatar and the seven Trucial States would be terminated and the British forces would be withdrawn by the end of 1971. He further clarified that, as a result of the efforts of his government, an agreed settlement had been reached between the ruler of Sharjah and Iran on 29 November 1971 (one day before Iranian troops occupied the islands). The terms of the agreement were such that neither gave up its claim or recognised the other's claim. It was also agreed that Iranian troops should be stationed in certain specified areas on the island and that oil revenues forthcoming from the islands or in the vicinity would be divided equally between Sharjah and Iran. Sir Colin concluded by stating that the relationship his government had with the Persian Gulf and the subsequent ending of that relationship "has inevitably meant the striking of a balance between the conflicting claims of neighbouring states, and taking into account of realities". He also added "I cannot see how the representative of Iraq can describe the present situation as dangerous or as a threat to peace. In the view of my Government this outcome represents a reasonable and acceptable basis for the future security of the area".<sup>72</sup>

The 1610th meeting of the Security Council concerning Iran's actions vis-a-vis the three islands ended on an unresolved note. The Somalian representative observed that the parties should settle their disputes amicably, and for this adequate time was necessary "for the workings of quiet diplomacy".<sup>73</sup> The members and President endorsed the Somalian representative's suggestion and unanimously decided that "the Council defer consideration of the matter to a later date".<sup>74</sup> It must be mentioned that this issue was central to Iraq's abrogation of the 1975 Algiers Accord preceding the outbreak of the Iran-Iraq war in 1980.

#### **IV. The Process of Iranian Diplomacy after the Algiers Summit of 1975**

The preoccupation of Iran's strategic thinkers, from the early 1970s to the fall of the Pahlavi regime, was to develop and strengthen Iran's role in the Persian Gulf region. This urge to

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<sup>72</sup> *Ibid.*, paragraphs 221-230.

<sup>73</sup> *Ibid.*, paragraphs 277-281.

<sup>74</sup> *Ibid.*, paragraphs 282-283.

establish control in the Persian Gulf led the Shah to engage his government in a wide range of diplomatic activities.

The single greatest impediment the Shah faced in securing Iran's role in the Gulf area was the historically unfavourable nature of his country's relations with the various powers in the Middle East and South Asia. Mindful of the potential of Arab solidarity and the risk of total isolation, being the only non-Arab state in the region, the Shah took some unprecedented steps which surprised many observers and had significant repercussions for the Persian Gulf region.

These steps were part of Iran's policy towards the region from the early 1970s as was reflected in the decision to relinquish her historical claim to Bahrain. But the entire policy of vigorously promoting regional cooperation through the resolution of major disputes gathered momentum only in the mid 1970s. The first of these constructive engagements were witnessed at the OPEC meeting in Algiers in March 1975, where, due to the efforts of Algerian President, Houari Boumédiène, Iran and Iraq resolved (if only temporarily) three major disputes.

The first of these issues was the question of the Shatt al Arab, the second concerned the arming and aiding of Kurdish separatists by Iran against Iraq, and the third was the central border dispute between the two countries.

The impasse on the Shatt al-Arab was broken by Iraq, which declared that the river boundary would henceforth be in the middle of the navigation channel and not along the Iranian shoreline. This was followed by an Iranian pledge made in secret to stop arming and aiding the Kurdish rebels. The central border dispute was almost automatically solved once these two crucial issues were resolved.<sup>75</sup>

What brought about the settlement was a convergence of policies of both countries which in turn provided a common ground for accommodation. By the mid-seventies both Iran and Iraq wanted to keep superpower competition out of the Persian Gulf. Iraq's dependence on Soviet military assistance to stem the Kurdish threat forced her to allow the Soviet Union certain naval

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<sup>75</sup> Robert D. Tomasek, "The Resolutions of Major Controversies between Iran and Iraq", *World Affairs*, vol.139, winter 1976/77, pp.223-226.

privileges on her territory. This greatly troubled Iraqi policy makers who, with their multiplying revenues from oil were seeking to have better relations with the West.<sup>76</sup> The Shah on the other hand felt that a settlement of disputes with Iraq would keep the Soviets out of the Persian Gulf, and would allow Iran to play a more concrete role in formulating the policies of the area. Moreover, Iran wanted to be truly independent of the United States in this matter, and believed that US presence in the Gulf would encourage the Soviet Union to compete, thus complicating the entire situation.

After the Algiers summit, Iran turned her attention to the Arab front and intensified efforts to gain further cooperation with a wide variety of regional states located in the Middle East and the Persian Gulf. After the October War in 1973 Iran took a number of steps to improve its relationship with Egypt. In January 1975 the Shah, on a state visit to Egypt, offered to increase oil deliveries to Israel "as an incentive" if it agreed to withdraw from the Sinai oil fields. Prior to this, the Shah had announced that his government was ready to help Egypt, financially, to reconstruct Port Said, to widen the Suez canal and to establish a number of joint ventures with Egyptian and Arab firms.<sup>77</sup>

Iran's policies towards other Arab states of the Gulf, including Saudi Arabia and the various sheikhdoms, were cautiously planned. Iran's relationship with Saudi Arabia during this period was mainly concerned with trying to harmonise oil pricing policies and other commercial policies. Politically there was a convergence of the two countries' policies, in so far as the indispensability of the Gulf's security to ensure free flow of oil was concerned. In addition, both Saudi Arabia and Iran shared the same threat of communist subversion against their monarchies.<sup>78</sup>

With the assumption of sovereignty by most of the Arab sheikhdoms in the late sixties and early seventies, Iran's policy became more diversified. With the Bahrain dispute resolved, Iran wasted no time in recognising the new grouping of the United Arab Emirates. This was done to

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<sup>76</sup> *Ibid.*, p.226.

<sup>77</sup> R.K. Ramazani, "Iran's Search for Regional Co-operation", *The Middle East Journal*, vol.30, no.2, Spring 1976, p.175.

<sup>78</sup> *Ibid.*, p.176. After the assassination of King Faysal with whom the Shah had good relations, the next king, Khalid, also assured the Shah of cooperation and maintenance of peace in the region.

improve her image and increase the possibility of a local security federation. When the Sultanate of Oman was threatened by rebels in the Dhofar, the Shah helped the Sultan to suppress the rebellion. This act of Iran drew criticism from certain radical states in the region, but clarified Iran's uncompromising attitude towards the security of the Gulf.<sup>79</sup>

Just as in the Middle East and the Gulf areas, Iran stepped up its efforts for greater cooperation with the regional powers of South Asia. The ascendancy of India as a leading power in the subcontinent after the Indo-Pakistani war of 1971 and the rise of Soviet power in the area heightened Iran's concern with the expansion of Soviet influence. This situation was seen as a threat to the Pahlavi regime and resulted in Iran co-sponsoring a draft resolution at the United Nations declaring the "Indian Ocean as a zone of peace".<sup>80</sup>

The draft resolution was based on the Lusaka Declaration of the third conference of Heads of States of Governments of Non-Aligned Countries convened in September 1970. It was at this meeting that an appeal was made to all states to "consider the Indian Ocean as a zone of peace from which great power rivalries and competition ... should be excluded and that the area should be free of nuclear weapons"<sup>81</sup> The draft resolution was adopted in December 1971.<sup>82</sup>

By the end of 1976, Iran had thus made a number of diplomatic moves to ensure the implementation of its regional policy goals. But the atmosphere for durable regional cooperation was marred by two factors. First, the ancient Arab-Iranian suspicions and mistrust of each other and secondly, the outstanding issue of continued Iranian military presence on the three islands in the Persian Gulf. By the late 1970s however, before Iran could reach a compromise between its national interests and those of the other member states in the Gulf area, the Shah of Iran lost his throne. In concluding this chapter, the failure of Iran to strike a balance between its domestic and foreign policy will be briefly discussed.

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<sup>79</sup> J.E. Peterson, "Guerrilla Warfare and Ideological Confrontation in the Arabian Peninsula: The Rebellion in Dhufar", *World Affairs*, vol.139, no.4, Spring 1977, pp.278-295.

<sup>80</sup> *UNGAOR*, 26th Session, 30th November 1971, p.1. The resolution was sponsored by Sri Lanka, Iran, Iraq, Sardinia, Uganda, United Republic of Tanzania, Yemen and Zambia.

<sup>81</sup> *Ibid.*, p.2.

<sup>82</sup> The resolution was adopted by 61 votes to none, with 55 abstentions and is contained in Resolution 2832 of the 26th session of the United Nations General Assembly.

## **Conclusion: The Background to the Iranian Revolution**

The subsequent history of Iran proved all these regional and local disputes to be merely transient curtain-raisers to a much more fundamental change in direction. Each of these incidents and Iran's related activities at the United Nations, had played a small part in shaping Iran's foreign policy and moving the country inexorably into a totally different Weltpolitik. Now two major influences come to bear on its strategic situation in the Middle East. The first of these was the failure of the American security formula viz: to maintain stability and security in the Gulf region through Iran. The second is the repercussion that the Islamic revolution had on Iran's military power in the Persian Gulf, which subsequently led to the renunciation of Western links and the establishment of ties with more radical states. Both of these resulted in a reversal of trends in the political history of Iran, and were forerunners of the radical changes which Iran experienced with the advent of the Islamic revolution of 1978/79.

Already by the beginning of 1978, the foundations of the American security formula in the Gulf region had begun to shake. By 1979, the civilian unrest which had rocked the Iranian nation for over 12 months toppled the Pahlavi monarchy and caused the disintegration of its armed forces. All these events occurred with such incredible speed that the Western interests in the Gulf were swept aside by the momentum and suddenly left unprotected.

The United States' policy in the Gulf for over a quarter of a century had been to promote Iran as the protector of the Gulf. Under the Nixon administration this proved to be a convenient way for the West to protect its strategic interests in the Persian Gulf without getting involved. So ingrained was the US policy towards Iran that even President Jimmy Carter, contrary to his beliefs in global arms reduction and human rights, saw fit to continue pouring vast quantities of military hardware into Iran with only superficial modifications. President Carter even referred to Iran as an "island of stability" and offered his solidarity to the Shah over the phone, at a time when Iran was experiencing violent political demonstrations.

When the crisis in Iran mounted to unmanageable proportions, American-based military establishments became more and more the targets of nationalist resentment.<sup>83</sup> The Carter

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<sup>83</sup> For a picture of the situation prevailing in Iran during this period, see Daniel Southerland, "Did Turmoil in Iran Catch US Policy Makers Unaware?", *The Christian Science Monitor*, December 1978, p.5.

administration's emergency supplies of riot sticks, teargas and so on to the faltering Pahlavi regime turned the widespread anti-Shah demonstrations into anti-American ones as well.

Even before the short-lived government of Dr. Shahpour Bakhtiar was formed in 1978, it was clear that Iran had slipped out of the American-led Western sphere of influence and could no longer act in any sense as an ally in the Gulf. With the coming of Ayatollah Khomeini and the newly-formed revolutionary government of Mehdi Bazargan in February 11 1979, the US-Iranian special relation came to an end. Subsequently, all traces of American influence in Iran were eliminated.

One of the direct consequences of the Islamic Revolution of 1978-79 was a move by the revolutionary government to demobilise and purge the Imperial Iranian Armed Forces. The disintegration of the military forces saw the rise of a volunteer force from local revolutionary committees, which later on became the 'Pasdaran' or Revolutionary Guard. This nationwide organisation grew in stature and gradually took over the maintenance of law and order within the country.

The disintegration of the Iranian armed forces and the decision by the revolutionary government to let expensive military equipment deteriorate were accompanied by the abandonment of Iran's air and naval outposts in the Persian Gulf, Oman and on the coast of the Arabian Sea. For example, the revolutionary government stopped all construction work of Shah Behar, which was to have been a strategic air and naval base on the Arabian Sea close to Pakistan. The Iranian forces stationed at Oman, which had been supporting the army of Sultan Qabus against Dhofar rebels, were recalled. Iranian naval patrols were withdrawn from the strategic strait of Hormuz, and this left this crucial sea lane unguarded for all practical purposes.

In the sum total, the revolutionary government set out to undo all that the Shah had achieved or set out to achieve within the military context of his regional policy. The renunciation of its policeman role by the Islamic Republic of Iran under Khomeini had far-reaching consequences for the security and international relations of the Persian Gulf and Middle East states. The most important of these concerned the Gulf states and their ability to keep the industrialised West supplied with oil. These states faced the threat of an Iranian-type revolution exported to



their own areas, which in turn would have serious implications for regional stability and super-power policy and action in the area. After ten years of the Iranian Revolution and eight years of the Iran-Iraq war, it is of course apparent that the security of the Gulf continues to hinge on certain basic needs -- for example, the continuing necessity to export oil which, during the Iraq-Iran conflict, sustained Iran's war effort and has thereafter become crucial to the reconstruction of her economy. The next chapter will examine the evolutionary phase of Iran's revolutionary foreign policy, with a view to the general orientation of policy makers in that country.

## **Part II**

## Chapter IV

### The Islamic Revolution in Iran: its Impact on Foreign Policy

#### Introduction

The Islamic revolution in Iran can be considered as one of the major events of the 20th century. Few revolutions have shocked the world with such intensity or set in motion such a search for causes. The objective of this chapter will not be to analyse the contending theories of revolutions and their application to the upheavals in Iran; substantial work on this aspect can be found elsewhere.<sup>1</sup> The main emphasis will be to examine the overall impact that the revolution had on Iranian politics and international relations, particularly on the evolution of its foreign policy over the last decade, i.e. 1979-1989. The chapter, will also address the question of continuity and change by examining the elements which continue to shape Iran's foreign policy, and those elements which have given post-revolutionary foreign policy an identity of its own. To facilitate the above, it becomes necessary to divide the chapter into different sections, each addressing a component of Iran's foreign policy process and practice. The chapter will also serve as a link between Part I and II of this thesis, and will therefore look at events and issues which have had an impact on Iran's foreign policy from a mainly historical perspective.

Section One will outline the overall position of Iran's international relations under the second Pahlavi monarch, and events which led to the resurgence of Islam and the ascendancy of the clergy, notably the return from exile of Ayatollah Khomeini. Section Two will study the extent to which Islam transcended its populist boundaries to become a geopolitical reality and the

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<sup>1</sup> See Farrokh Moshiri. *The State and Social Revolution in Iran: A Theoretical Perspective*, New York, Peter Lang Publishing Inc; 1985. The author has made a scholarly attempt to apply available social science theories to the Iranian revolution of 1978-79, after utilising a range of theories from Ted Gurr's Relative Deprivation thesis (see Gurr, T.R. *Why Men Rebel*. Princeton: Princeton University Press, 1970), Chalmers Johnson's notion of "accelerators" (see Chalmers, J. (ed.) *Ideology and Politics in Contemporary China*, Seattle, University of Washington Press, 1973), to the more recent works of Theda Skocpol (Skocpol, T., "Rentier State and Shi'a Islam in the Iranian Revolution", *Theory and Society*, vol.11, no.3, May 1982, pp.265-83) and Charles Tilly (Tilly, C. *From Mobilisation to Revolution*, Reading Massachusetts, Addison-Wesley, 1973), he proposes his own model of the Iranian Revolution. The work is a melange of behaviourist models of revolutions and the history, politics and events which led up to the revolution in Iran in 1978-79.

driving force behind Iran's foreign policy. Section Three will examine the evolution of Iran's foreign policy and diplomacy and the interaction between internal and external political developments. Section Four discusses the nature of Iran's revolutionary foreign policy and signals the way it demonstrated itself in the foreign policy practice of that country.

It must be acknowledged that, while certain primary sources of information (interviews, Iranian foreign ministry press releases and Iranian press cuttings) have been used, all subsequent analyses of the policies and practices of the Islamic government in Iran will include the diverse interpretations of scholars and political scientists in the field.

### **I. Iran's Foreign Policy under Mohammad Reza Pahlavi**

In the immediate post-war phase up to 1953, the mainstay of Iran's foreign policy was to erase the traces of its wartime occupation by the Soviet Union and Great Britain. The political system within Iran was far from stable and there was an incessant power struggle between the numerous political parties and the Shah. Thus between 1941 and 1953, Iran was ruled by over a dozen cabinets whose average life span did not exceed six months.<sup>2</sup> It was during this period that Iran achieved remarkable success in consolidating its territorial boundaries and salvaging much of its sovereignty against considerable odds.

After the collapse of the Soviet-backed regime in Azerbaijan in 1947, Iran turned its attention to ridding the country of the well-institutionalised and entrenched British presence. As certain authors note "The Soviet danger could be dealt with in the context of the cold war; British influence could not".<sup>3</sup> The years between 1950-53 saw the rise of nationalist movement in Iran whose main architect was Mohammad Mossadegh.<sup>4</sup> His efforts to lessen the British influence in Iran culminated in the nationalisation of oil, hitherto the joint wealth of the Anglo-Iranian Oil

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<sup>2</sup> Ervand Abrahamian, *Iran Between Two Revolutions*, New Jersey, Princeton University Press 1982. In chapter four of his book the author describes the domestic political process of Iran from 1941 till the downfall of Premier Mossadegh in 1953.

<sup>3</sup> Shahram Chubin and Sepehr Zabih, *The Foreign Relations of Iran*, Los Angeles, University of California Press, 1974, p2.

<sup>4</sup> Homa Katouzian, *The Political Economy of Modern Iran 1926-1979*, London, Macmillan Press Ltd, 1981. The author refers to the nationalist movement as "The Iranian popular movement" which, under Mossadegh, he considers was a "revolutionary episode".

Company (AIOC). Mossadegh was the leader of a small parliamentary group known as the "Jebhe-ye-Melli" (National Front) and throughout his career had persistently called for resistance to outside powers, especially Great Britain and the Soviet Union. As early as 1944 when both Soviet and American companies approached Iran for oil concessions, he was instrumental in sponsoring a bill which prohibited all discussions regarding oil concessions until after the end of World War II.<sup>5</sup> This outright resistance policy of Mossadegh came to be known as "Siyasate Movazenehe Manfi" (negative equilibrium policy), which basically advocated a "neither east nor west" approach for Iran and was considered by some as the main reason for the collapse of his government in 1953.

In tracing the beginnings of Islamic revolution in modern Iran, the year 1953 (August) and the overthrow of the nationalist Mossadegh regime by an American- and British-supported coup, would be a justified starting point because it presaged the ensuing quarter century of dictatorial rule, culminating in the revolution of 1979.

### **I.1 1954-1960: Courting the West**

After the overthrow of Mossadegh, the Shah and his advisors saw a permanent solution in reconstructing the Iranian economy along Western lines. This policy was adopted with two goals in mind. Firstly to increase oil mining by conferring extensive rights on Anglo-American concerns which were largely starved in the Persian sector by Mossadegh's policies; secondly, through this assurance on mining rights to ensure definitely the pledge of Western support on the socio-political front, thereby consolidating power in the hands of the Pahlavi regime.<sup>6</sup>

As a determined start, Mohammad Reza chose to ignore the clauses in the constitution which provided for a freely elected Majles (assembly) and freedom of speech and press, with minor exceptions.

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<sup>5</sup> Ruhollah K. Ramazani, *Iran's Foreign Policy 1941-1973*, Charlottesville, University Press of Virginia, 1975. This bill was "enacted by the Majles (parliament) into law December 2, 1944".

<sup>6</sup> Nikki R. Keddie, *Roots of Revolution: An Interpretive History of Modern Iran*, London, Yale University Press, 1981, p.146.

The 1954 elections to the eighteenth Majles were controlled and candidates were chosen by the regime, thus ensuring their co-operation. In 1955 the Shah dismissed Prime Minister Zahedi, whom the Americans had seen as Iran's real strong man, and the Shah became Iran's single ruler.<sup>7</sup>

The year 1954 ushered in a new triangular relationship between the United States, Great Britain and Iran. In the early post-war period, Britain monopolised Iranian oil, with the United States playing a large role in ministry and governmental advice and support. As of 1954, the United States became the dominant power in Iran, taking a 40% share in the oil consortium while Britain's share remained the same. Moreover the United States remained as before the primary supplier of arms and military advice to the newly reinforced Pahlavi regime.<sup>8</sup>

Earlier hopes of the United States supporting a more democratic government in Iran declined. Western governments and corporations felt safer with a centralised government under a pro-Western ruler, especially in the troubled fifties when the Communist threat loomed. This apprehension was exploited by the Shah, who recognised the real priorities of American business and governmental interests. Hence in the widely-read American press there was very little basic criticism of the Shah or of United States policy in Iran, between the years 1953 and 1973.<sup>9</sup>

After the coup of 1953 which saw the exit of Mossadegh from active political life, political power in Iran gradually came under the sole control of the Shah. Elections to the eighteenth Majles were "of course not free. It was impossible for any of Mossadegh's supporters, let alone the TUDEH Party, to be elected".<sup>10</sup> With the help of General Zahedi, the Shah consolidated his power in Iran, rounding this off with the dismissal of Zahedi himself in 1955. It was during this period (starting September 1953) that President Eisenhower "announced immediate resumption of

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, p.142.

<sup>9</sup> For example, in 1947 it was argued by the US State Department "that an increase in the power of the Shah might not be a bad thing since strong governments in countries bordering the Soviet Union have generally been better able to resist Soviet domination". See Habib Ladjervardi: "The Origins of US Support for Autocratic Iran", *International Journal for Middle East Studies*, vol.15, 1983, pp.234.

<sup>10</sup> *The Political Economy of Modern Iran 1926-1979*, *op.cit.*, p.192. *Iran Between Two Revolutions*, *op.cit.*, p.419, "The Iran party, the main pillar of the national front, was outlawed".

US aid to Iran by allocating \$45 million in emergency funds."<sup>11</sup> Iran obtained a total of \$145 million between 1953 and 1957 from the United States in the form of emergency financial aid "to ward off government bankruptcy, boost morale among royalists, and inject confidence into the business community".<sup>12</sup>

In the middle and late 1950s. the Shah attributed his principal problems to the threat of external pressure from the Soviet Union and Iran's problems to the threat of external pressure from the Soviet Union and Iran's lack of military security.<sup>13</sup> Military insecurity, according to the Shah, was not only the main constraint on Iran's adequate participation in world politics but also the root cause for all its domestic, social, economic and political problems. Countries like Iran, he argued, must strive for the security which is of primary importance for any kind of advancement. In the Shah's view, the countries of Western Europe and the Middle East, including Iran, despite all differences in levels of socio-economic and technological development, first needed adequate security to pursue their individual goals. The Shah further conjured up the communist card by arguing that "Freedom-loving people forget but the communist powers never forget that most of the world's economically underdeveloped countries are also militarily underdeveloped."<sup>14</sup>

The Shah's view that military power was essential to ward off the communist threat was shared by senior American Iran specialists like George Lenczowski who was of the opinion that Iran "was an inch away from a communist takeover", but with the return of the Shah into power it had "regained its tranquility and reaffirmed its independence". Lenczowski also felt that "the issue now facing Iran and the United States was how to reaffirm and institutionalise Iran's inherent ties with the West".

The first step to "institutionalise" Iran's relations with the United States was taken by the Shah in the years 1953-1954. Without the interference of Parliament, whose power had

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<sup>11</sup> George Lenczowski, "United States support for Iran's Independence and Integrity, 1945-59", *The Annals of the American Academy of Political and Social Science: America and the Middle East*, May 1972, p.53.

<sup>12</sup> *Iran Between the Revolutions, op.cit.*, p.419.

<sup>13</sup> Mohammad Reza Pahlavi, *Mission for my country*, New York, McGraw Hill, 1961, p.1045.

<sup>14</sup> *Ibid.*, pp.290-296.

considerably diminished, the Shah abolished the legislative restraints on the size of the American military missions to Iran.<sup>15</sup>

Large-scale transfers of economic and military aid from the US to Iran followed. According to the *World Armaments and Disarmament Year Book*, Iran received \$500 million worth of military aid from the United States between 1953 and 1963. The Shah expanded the Iranian armed forces from 120,000 men to over 200,000 men and raised the military budget from \$80 million in 1953 to approximately \$183 million in 1963.<sup>16</sup>

After Iran established direct links with the United States, its next move was to declare, "publically its intention to join the Pact of Mutual Co-operation between Iraq and Turkey, commonly known as the Baghdad Pact, which had been signed at Baghdad on February 24, 1955".<sup>17</sup> This move on the part of Iran marked a major transition in Iran's foreign policy. It was major in so far as it signified a break from Iran's foreign policy of "neutralism" under Mossadegh.<sup>18</sup> Unlike Mossadegh, the Shah firmly believed that "Iran's national security was inseparable from domestic security, and domestic security was in turn intertwined with the security of his regime and the Pahlavi dynasty".<sup>19</sup>

The creation of the Baghdad Pact was an initiative of UN Secretary of State John Foster Dulles, who envisaged the security alliance in his larger concept of "mobilising" a circle of pro-Western defence pacts around Russia.<sup>20</sup> Although the United States remained outside the Pact, it welcomed Iran's adherence to it,<sup>21</sup> and made the Pact an integral part of its global alliance

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<sup>15</sup> The Iranian people were not against a strong national army, but were afraid that the army/military would become a tool for repression in the hands of the Shah. See J.C. Hurewitz, *Middle East Politics: The Military Dimension*, New York, Fredrick A. Praeger, 1969, pp.280-288.

<sup>16</sup> Stockholm International Peace Research Institute (SIPRI), *World Armaments and Disarmament, Year Book for 1972*, Cambridge, Massachussets, 1972, p.86. The figures quoted were computed at 1960 prices and exchange rates.

<sup>17</sup> Ruhollah K. Ramazani, *op.cit.*, p.274. Iran decided to join the pact in October 1955. For a full text of the treaty and exchange of letters between Iraq and Turkey, see the *United Nations', Treaty Series*, vol.233, no.3256, 1956. English version, on pp.210-216.

<sup>18</sup> *Ibid.*, p.275. Ramazani however believes that Iran never practised a traditional policy of "Neutralism" as opposed to "neutrality" for any considerable length of time. He considers Mossadegh's policy of "negative equilibrium" as too brief a period to qualify as an established tradition of neutralism in Iranian foreign policy.

<sup>19</sup> *Ibid.*, p.276.

<sup>20</sup> *The Foreign Relations of Iran, op.cit.*, p.90.

<sup>21</sup> An official statement made by the United States one day after Iran's public declaration i.e. October 12, 1955, read "the United States has had a long-standing interest in the territorial integrity and sovereign independence of Iran ... That interest remains a cardinal feature of US policy". See Ralph H. Magnus, (ed) *Document on the Middle East*, Washington, DC, American Enterprise for Public Policy Research, 1969, p.84.



system. Other signatories were Britain, which adhered to the Pact on 4th April, 1955<sup>22</sup> and Pakistan, on 23rd September, 1955.

## I.2 1960-1963: Surfacing of the Real Opposition

The 1960 elections saw the surfacing of real opposition outside the docile creations of the Shah. Prime Minister Eqbal announced in the face of this growing opposition that no pro-Mossadegh nor TUDEH (Communist party) candidates could be elected.

As the elections result began to come in, evidence of vote fraud became evident and open discontent mounted sharply. In late August 1960, the Shah – in order to dissociate himself from the rigging and Eqbal's growing unpopularity – advised his Prime Minister and cabinet to resign. The Shah nominated Sharif Emami as the new Prime Minister, who in turn announced fresh elections in January 1961. Certain much needed reforms in the economy were announced. These controls spared the rich and were borne by the middle and popular classes.<sup>23</sup>

The 1961 elections were again considered dishonest. The Majles, seeing that it had to identify with the growth of popular opposition, became the forum of numerous denunciations of corruption within the governmental machinery. This led to threatened strikes from various sectors, with the school teachers going on strike for higher pay and the outlawed National Front Party pressing for serious royal concessions. The Shah sent for Dr Ali Amini a prominent member of the opposition, asking him to form a government. Amini succeeded Sharif Emami in April 1961.

Dr Amini quickly set about to implementing social and administrative reforms. The Majles was dissolved, which pleased the National Front and other opposition groups who expected new elections soon. But when it became apparent that Amini expected to rule by decree without a Majles, the opposition could only wait in uncertainty. Amini settled the teachers' strike and had two ex-ministers arrested for corruption.

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<sup>22</sup> According to Harold Macmillan, John Foster Dulles was unwilling to join the Baghdad Pact until "a Palestine settlement had been reached and fortified by an American guarantee". Hence Britain among other nations thought "that if Arab-Israel tension could be reduced America would join the Baghdad Pact". Harold Macmillan, *Tides of Fortune, 1945-1955*, New York, Harper, 1969, pp.632-633.

<sup>23</sup> *Roots of Revolution, op.cit.*, p.153.

In his efforts to bring about real change within certain spheres of governmental policy, Amini faced stiff opposition from the Shah. One of these efforts was a substantial land reform, the other was his move toward improving Iran's foreign exchange position by way of drastic cuts on both domestic and foreign spending. In April 1962, Dr. Amini and his finance minister resigned after a dispute with the Shah over his refusal to cut down on military spending.<sup>24</sup>

In December 1962, the National Front created a new unified front and began open attacks on the Shah. Many leaders were arrested and the Shah himself now tried to create a reformist image by imposing on his people the "White Revolution".

### **I.3 The White Revolution of 1963: Socio-Political Implications**

On January 26, 1963, the Shah called for,

"an empirical need for a revolution based on the most advanced principles of justice and human rights that would change the framework of ... (Iranian) society and make it comparable to that of most developed countries in the world."<sup>25</sup>

The name "White Revolution" has its sources in the philosophy that changes would be accomplished without disorder and bloodshed, not even class hatred. In carrying out such a revolution the Shah attempted to achieve two objectives: to consolidate and widen the popular bases of his monarchy; and to reduce his dependence on the United States. The first objective was represented by "centrally controlled general mass mobilisation" and selected socio-economic reforms, to reinforce the support of his leadership and thereby gain a higher degree of independence. This would in turn increase his foreign policy options, and would put Iran on a more equal footing with the United States.

In achieving his primary objective, which was the consolidation of personal power, the Shah was successful on two counts. For the first time after the 1953 coup, the Shah assumed real political power, making no attempt to hide behind any facade. By endeavouring to combine Western democratic values and traditional Iranian culture, the Shah believed he was ensuring the preserva-

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<sup>24</sup> *Ibid.*, p.155.

<sup>25</sup> Quoted in Amin Saikal, *The Rise and Fall of the Shah*, New Jersey, Princeton University Press, 1980, p.79.

tion of the monarchy. Secondly, he attempted to resolve some of the most pertinent problems, like land reform, by the effective redistribution of some 19.5% of the arable land to some 743,406 farming families. Also for the first time, the regime sought to expand agricultural production in line with the needs of Iran's industrial development. This stage was launched in 1966 with effective results, reflected in a rise in the per capita output and standards of living of the peasantry.<sup>26</sup>

By the end of the 1960s the Shah had achieved a number of short-term goals, thus increasing his domestic credibility and security. This gave him the confidence to initiate a "national independent foreign policy".

#### I.4 1960s-1970s: Independent National Policy

"Siyasate Mustaquill-e-Melli" or "Independent National Policy" was a direct consequence of the Shah's White Revolution and came to characterise Iranian foreign policy outlook. "Independent National Policy"<sup>27</sup> replaced the Shah's earlier foreign policy trend of "positive nationalism" during the 1950s. In the context of the White Revolution Reza Mohammad Pahlavi declared:

"Our policy is based on the maintenance and preservation of peace. We in Iran have adopted a policy of independent nationalism ... we believe that the way to safeguard the real interests of our country is by co-existence and sincere co-operation with all countries ... At the same time ... the establishment of ... understanding and peace cannot be achieved without sincere respect for the principle of co-existence between different ideologists and systems of government, or without respect for the principle of non-interference of countries in the internal affairs of others."<sup>28</sup>

In the view of certain analysts, even though Iran's foreign policy in the decade beginning in the sixties could be defined as "de facto non-aligned", because it was moving away from "rigid policies of alliance", it nevertheless remained within a "pro-Western alliance".<sup>29</sup> This meant that

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<sup>26</sup> *Ibid.*

<sup>27</sup> The Shah wrote that his "independent national policy" had its genesis in his domestic reform movement also known as the "White Revolution" (January, 1963). His main argument was that drastic socio-economic reform was the only way to free the country from the clutches of outside powers. The main thrust of his "White Revolution" was land reform which was aimed at reducing the gap between the rich and poor elements in Iran. He believed that this would engender national unity and help Iran to adopt a foreign policy that was truly "independent" and "national" in nature. For a first hand explanation see *Mission for my Country, op.cit.*, pp.8-12.

<sup>28</sup> Quoted in *The Rise and Fall of the Shah, op.cit.*, p.92.

<sup>29</sup> Sephr Zabih, "Iran's International Posture: Defacto Non Alignment within a Pro-Western Alliance", *Middle East Journal*, vol.24, no.3, summer 1970, p.302.

Iran's freedom to act and chart its own course in regional or international politics was acceptable to the acting global powers "so long as [its] foreign policy aspirations [were] not matched by proportionate implementation".<sup>30</sup>

The preceding declaration can also be construed as a notice to all countries, especially powerful neighbours like the Soviet Union, that Iran was no longer in exclusive partnership with the United States or for that matter with the West, and that it had gained sufficient stability to conduct independently all domestic matters and especially its foreign affairs.

With the end of the Cold War in sight and the dawning of the age of détente in Great Power relationships,<sup>31</sup> Soviet policy towards Iran assumed a more flexible and conciliatory attitude. This attitude was complemented by Iran which, by refusing American missile bases on its territory, satisfied in part Soviet strategy, of disallowing foreign missile bases in the neighbourhood of the Soviet Union.<sup>32</sup> Hence, for Iran-Soviet relations, the lessening of superpower tensions originating in detente, resulted in a rapprochement which on the one hand reduced Iran's northern threat, and on the other increased its manoeuvrability, allowing it to play a more independent role in the region.

In view of the normalisation of Iran's relations with the Soviet Union and encouragement from the United States on the international front, the Shah began to eliminate all sources of domestic opposition. The much-dreaded SAVAK<sup>33</sup> became a key instrument in the Shah's

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<sup>30</sup> It may be noted that the narrowing gap between Iran's capability to implement its foreign policy aspirations and the freedom to assert its own policies in the Gulf was a phenomenon which caused concern among the global powers in the mid- and late 1970s.

<sup>31</sup> In the words of Dr Henry Kissinger, "A certain commonality of outlook, a sort of interdependence for survival" led to a Soviet-American dialogue based on the identification of common interests. Though this statement was made in 1972, its reference to all issues of "common interest" were those mooted in the 1960s; namely, arms control, nuclear non-proliferation, avoidance of nuclear confrontation, to keep third party disputes especially in the Middle-East and S.E. Asia from triggering a state of war between themselves, etc. These were some of the issues which characterised the period called "detente". Henry Kissinger's quote is incorporated from *Weekly Compilation of Presidential Documents*, Washington DC, Government Printing Office, June 19, 1972, p.1045. Also see Alastair Buchan, *The End of the Post War Era: A New Balance of World Power*, London, Weidenfeld and Nicolson Ltd., 1974.

<sup>32</sup> "The Iranian Ministry of Foreign Affairs by means of a note to the Soviet Embassy in Tehran on 15th September 1962 assured the Soviet Government that it will not grant any foreign nation the right of possessing any kind of rocket bases on Iranian soil". Quoted from *Iran's Foreign Policy, 1941-1973, op.cit.*, p.316.

<sup>33</sup> The Sazeman - E-Ettalat-va-Amniyate-Keshvar (SAVAK) was established in 1957 with American and Israeli technical assistance. The SAVAK was a security and intelligence agency known for its brutal methods and had its agents throughout Iran and abroad. SAVAK's main targets were Iranian dissidents. See E.A. Bayne, *Persian Kingship in Transition: Conversations with a Monarch whose Office is Transitional and whose Goal is Modernisation*, New York, American Universities Field Staff, 1968, p.179.

consolidation of power. Political parties had already been banned way back in 1957 and were replaced by two puppet parties which were "ignored by the people and only attracted small bands of flatterers, self-seekers and ordinary thugs".<sup>34</sup> This was followed by a ruthless suppression of suspected opponents, especially those with links to the National Front Party of Mossadegh or the TUDEH Party. Some 600 TUDEH members who had successfully infiltrated the army were rooted out. The Shah also ordered a strict watch to be kept on the Ulema (clergy) and potential dissenters from the Bazaar.<sup>35</sup>

### **I.5 The Resurgence of the Clergy: Advent of the Ayatollah**

In achieving considerable stability on the socio-economic front, the Shah – in the eyes of most of the world and especially in the eyes of his mentor, the United States – firmly entrenched himself as a successful monarch.

Two factors were responsible for the erosion of this seemingly indestructible facade: one was the inadequate reconstruction of Iran's rural economy, which only benefited from very superficial changes; the second and more prominent factor was the unrest both in the holy city of Qom and among certain Mullahs.

In speaking of religious opposition, both in the early sixties and even later on, one must not forget that the clergy had been largely subdued with gifts of land and positions in society. This was evident when a large section of the clergy opposed any form of land reform, fearing the loss of their personal property.

It was only with the radical opposition of certain religious leaders like Ruhollah Khomeini and the subsequent collaboration of the clergy with certain nationalist movements that made the Ulema a substantial threat to the Shah's powers.

As early as 1944 Ayatollah Ruhollah Khomeini had written a highly critical work attacking

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<sup>34</sup> *The Political Economy of Modern Iran 1926-1979, op.cit.*, p.197, The two political parties were "Melliyn" (Nationalist) and "Mardom" (Peoples). These were headed by loyal lieutenants of the Shah.

<sup>35</sup> See Hamid Algar, "The Oppositional Role of the Ulema in Twentieth Century Iran" in *Scholars, Saints and Sufis*, (ed) Nikki R. Keddie, Los Angeles, University of California Press, 1972.

Reza Shah, Reza Mohammad Pahlavi's father, and the monarchy in general. But it was not until 1963 that Khomeini began to preach against the Shah in the chief Faiziyeh Madrasa (religious school) of Qom. In March 1963 on the anniversary of the martyrdom of the sixth Imam (leader) of the Shi'a Muslims, the Madrasa was attacked by paratroopers and the SAVAK. A number of students were killed, and Khomeini was arrested. Released after a short detention, he resumed his denunciation of governmental policies since they were, he declared, largely influenced by America and Israel, who to Khomeini were the enemies of Islam. At dawn on June 4, 1963 on the anniversary of the most revered martyr Imam Hossein, Ayatollah Khomeini was again arrested. In Tehran, processions of mourning for Imam Hossein turned into demonstrations. The demonstrations spread the next day to the University and other cities. Troops were heavily deployed for the Friday prayers of June 7 when a pamphlet calling for Jihad (holy war) against the regime was circulated. The demonstration was finally quelled with the loss of hundreds of lives.

The religious opposition continued until May 1964, after which Khomeini was exiled to Turkey. In 1965 he went to Iraq, where he taught in religious school and spoke against the Shah. In 1978, probably under Iranian pressure, he was asked to leave Iraq and went on to France.

After the exile of Khomeini, the clergy and most other representative organs of the Pahlavi regime like the Majles were subservient to the increasingly repressive whims of the Shah. This was only a lull before the storm which prepared the people even more to favour the winds of change that blew from religious heights. The complexity shrouding Islam's Islamic revolution is simplified when seen in the context of these developments. It need not be incomprehensible nor is it necessary to consider what happened in Iran as an impulsive, reactionary sortie, but rather as something that came from within an oppressed people.

## **L6 The Islamic Revolution: Change**

The seemingly durable Pahlavi regime began to show signs of collapse from the mid-seventies, culminating in the ousting of the Shah. Most observers failed to anticipate this entire phenomenon of insurrection, and had expected the regime to last for at least a decade or more.

A combination of two unexpected crises brought about the eventual downfall of the Pahlavi regime. One was the reappearance of an acute state of inflation, which rendered the basic needs for survival scarce and which affected the majority of the population. The second crisis was due to foreign pressure on the Shah to relax police controls and observe the human rights of political prisoners.<sup>36</sup>

The first crisis was actually felt by the increasingly deprived populace, which in itself caused a state of genuine alarm. The second crisis, which was directed towards the Pahlavi infrastructure, gave the political dissenters and revolutionaries grounds from where they could mobilise.

To combat inflation, the regime placed the blame on the business community. This caused a number of influential businessmen both at the bazaar level and in higher echelons to be jailed. By early 1976 every bazaar family had at least one member who had directly suffered from the anti-profiteering campaign.<sup>37</sup> These families comprised a large part of the urban population. The bazaar community turned to its traditional ally, the Ulema, for help and protection.

In early 1975, Amnesty International turned its attention to Iran and discovered that it was one of the world's "worst violators of human rights". A number of open letters poured in from various organs of the international community calling for a rectification in the regime's treatment of its political prisoners. At the same time, Iranian students living abroad formed associations and societies, and resorted to demonstrations exposing the regime's unpopularity, thus undermining the favourable image that the Shah had projected over the years with the help of Western mass media.<sup>38</sup>

In early 1977, the regime amnestied 357 political prisoners. In March it allowed the International Commission of the Red Cross to visit prisons and interview inmates. In April it permitted foreign lawyers to observe the trial of eleven dissidents accused of terrorism.<sup>39</sup> The Shah tried

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<sup>36</sup> *Iran Between Two Revolutions, op.cit.*, p.497.

<sup>37</sup> *Ibid.*, p.498.

<sup>38</sup> *Ibid.*, p.499.

<sup>39</sup> *Ibid.*, p.501.

hard to salvage his tarnished image, but this slight loosening of controls encouraged the opposition to press for more concessions.

In May 1977, 53 lawyers, most of them pro-Mossadegh nationalists, sent an open letter to the imperial palace, and this started a torrent of protests through public communiques. In July of the same year, 64 prominent lawyers met openly and drafted a strongly worded manifesto accusing the government of violating the constitution and demanding immediate rectifications. There were many such independent calls of protests from intellectuals, poets and others who had been tortured and whose works had been censored.<sup>40</sup> In Qom too, theology students formed an educational society demanding the return of Khomeini and the reopening of the Faizeyeh Seminary and Tehran University, both of which had been closed because of student protests.<sup>41</sup>

In mid-November 1977, the revolution came outdoors, into the streets. The turning point came when, after nine evenings of peaceful poetry-reading sessions organised by the Writers' Association in the Iranian-German Cultural Society at the Aryamehr University, police attempted to disband the audience of some 10,000 students. The attempt caused the crowd to march out of the campus into the streets shouting anti-regime slogans. This was followed by a clash with the police, in which over 70 were injured, 100 or so arrested and one student killed. By January 1978, street demonstrations were a regular feature. The first serious callings for Ayatollah Khomeini's return were made in January 1978.<sup>42</sup> The regime denounced him as a foreigner and a British spy, who had led a licentious life in his younger days. These accusations enraged both the seminaries in Qom and the urban bazaris; some 4,000 theology students and their sympathisers clashed with the police, leaving about 70 dead and over 500 injured.

Martyrs had an important place in the early days of the revolution in Iran, because the death of every person killed in a clash with the police and army called for a procession of mourning on the fortieth day. This procession of mourning invariably turned violent, claiming more lives. Hence the cycle of martyrdom followed by mourning sustained the early pace of the revolution.

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<sup>40</sup> *Ibid.*, p.503.

<sup>41</sup> *Ibid.*, p.504.

<sup>42</sup> *Ibid.*, p.505.



By November, demonstrations had taken a new turn – "rioting". All targets were symbolically chosen: military establishments, banks and tourist hotels. No foreigners were harmed. Army garrisons refused to interfere and in some instances gave guns to civilian dissidents.

Muharram marks the anniversary of Shi'ism's greatest martyr, Imam Hossein. On the eve of Muharram, Ayatollah Khomeini issued letters saying that "torrents of blood might be spilled ... but blood would triumph over the sword ...", and that good Muslims in the army should desert if ordered to fire upon their brothers; and that airfields should be blown up if the airforce intervened. The first few days of Muharram claimed the lives of around 700 persons (a BBC estimate). After the first week of Muharram, marches attended by three hundred thousand to a million people converged along the various major routes in Tehran and other cities.

On January 13, a Regency Council was named to take the place of the Shah, so that he could go on vacation. On January 15, parliament accepted a new cabinet headed by Shapour Bakhtiar. On January 16, the Shah left the country. Even the cosmos responded with an earthquake 21 minutes after the Shah's departure.<sup>43</sup>

## **I.7 The Return of the Ayatollah**

The days of Bakhtiar's government were numbered. Khomeini insisted in his communiques from his home outside Paris, that Bakhtiar had been nominated by the Shah and hence his government was illegitimate. January 19, on the fortieth day of Imam Hossein's martyrdom, Khomeini called for a massive march against Bakhtiar. Over a million people marched in Tehran and in other major cities.

In the midst of negotiations as to who would represent the people, Khomeini announced his intention of returning to Iran for Friday prayers on the sixth of Bahaman (January 27), the anniversary of the Prophet Mohammad's death. Bakhtiar closed the airport and asserted that he would arrest any provisional government appointed by Khomeini.

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<sup>43</sup> Michael J. Fisher, *Iran from Religious Dispute to Revolution*, Massachussets, Harvard University Press, 1980, p.204-11.

At the last minute, Khomeini's aides persuaded Bakhtiar to re-open the airport, and on February 1, Khomeini returned to a welcoming crowd of some two million people.

The military now began to negotiate with Khomeini directly, and one of the first steps Bakhtiar hurriedly took was to pass certain important bills to fulfill the demands of the revolution: three bills were passed, firstly for the abolishment of SAVAK, secondly withdrawal from CENTO, and thirdly the establishment of a jury to try former corrupt officials. Also there was a cancellation of expensive military contracts begun under the Shah.

At this juncture, a very important understanding came about among the people. The revolution bestowed upon Khomeini the title of Imam and declared him as "Marja-e-taqlid" (source of divine imitation) of the era and therefore whatever he said had to be done without question.<sup>44</sup>

Thus at no period of time did Khomeini assume actual political position or power. In his capacity as Imam, political power was inherent in his responsibilities to the Islamic nation to fulfill its day-to-day struggle to survive in an increasingly hostile world.

By February 1979, Bakhtiar's government was replaced by the secular and nationalist party of Mehdi Bazargan, known as the Movement for the Liberation of Iran. Ayatollah Khomeini remained above this power struggle, fully aware of all the events taking place. Throughout this period he preached the significance and need for Islamic government in Iran, using symbols of Shi'a Islam's resistance to non-Islamic political authority. He reminded the people of the martyrdom of Prophet Mohammad's grandson Hossein who died at Karbala defending the ideals of Islam. While the mourning for Hossein was a traditional passive gesture in the Shi'a faith, Khomeini asked his followers to change that into one of active fighting for Hossein's ideals, namely Islamic justice in all spheres of human activity.<sup>45</sup>

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<sup>44</sup> For more information about the concept of Marja-e-taqlid in Shi'a political philosophy read Edward Mortimer, *Faith and Power: The Politics of Islam*, London, Faber, 1982.

<sup>45</sup> See for example *Selected Messages and Speeches of Imam Khomeini*, Tehran, The Ministry of National Guidance, The Hamdami Foundation, 1980.

## II. The Impact of Ideological Islam on Iran's Political Process

In order to understand the religious factor (ideology) in the Iranian revolution and the role it played in the creation of an Islamic Republic, it is important to put into perspective a combination of certain unique elements which transformed Iranian society and politics. This exercise will not necessarily contribute something new towards the ongoing discussions in academic circles, but may help to dispel the popular myth that labels the Iranian political experience as being nothing more than "fundamentalist" in nature.<sup>46</sup>

More importantly, the religio-political dimension which continues to play a leading role in the political process of the Islamic Republic of Iran has not only created a new scope of study in the behaviour of Third World countries, but has also affected the geopolitics of the region, by condemning the existing international order as being exploitative and imperialist in design.

Professor R.K. Ramazani,<sup>47</sup> addressing the issue of why Iran's political behaviour is often incomprehensible, has said "If [one] fails to acknowledge, for example, the religious influence of the Calvinist cast of mind on Woodrow Wilson's concept of world order, how can [one] possibly understand Khomeini's concept of an Islamic world order?"<sup>48</sup> Hence the ensuing section tries to describe both the secular interpretation of the ideological transformation which took place in Iran and the religious or Islamic aspects of the actual government which was formed following the upheavals of 1978-79.

The role of ideology in the political transformation of a society can be viewed as prob-

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<sup>46</sup> For example, there are some authors who, while acknowledging the international dimensions of "Islamic fundamentalism", stop short of enquiring into the socio-political transformation which Iranian society and politics went through. See Mohammad-Reza Djalili, "The International Dimensions of Fundamentalism", *World Link*, no date. While warning Muslim and Non-Muslim countries of the "transitional character" of fundamentalism, the author calls upon nations to "formulate efficient counter-strategies" against a movement which threatens "the international system" and whose chief architect (Khomeini) has encouraged "his followers to take out their sabres and chop up corrupt people". This kind of sensationalism accorded to statements made by Khomeini or any other leader is often quoted out of context. According to others the word "fundamentalist" itself is often used loosely. "In the strictest historical sense fundamentalism refers to a movement in American protestantism arising out of a coalition of theologically conservative Evangelicals that came together about 1920 to struggle against the tendencies commonly labelled 'Modernism' or 'Liberalism'". See article by William Shepard, "Fundamentalism, Christian and Islamic", *Religion*, vol.17, 1987, p.356. The author prefers to describe the movements in the Islamic world as "an ideological orientation", pp.357-358.

<sup>47</sup> Professor R.K. Ramazani of the University of Virginia, has written prolifically on Iran's government, politics and foreign policy, both during and after the Pahlavi monarchy.

<sup>48</sup> R.K. Ramazani, *Revolutionary Iran: Challenge and Response in the Middle-East*, London and Baltimore, The Johns Hopkins University Press, 1986, p.19.

lematic. The "middle-class" has many ideas but no ideology of its own. It sets out to revolutionise the dominant ideology (usually dependent capitalism) by means of a borrowed ideology (usually nationalism or the native religion). The existing dominant ideology is generally conservative and tends to fix or otherwise distort the real essence of the existing order. Thus, the emerging dominant ideology must not only offer a more objective analysis of reality but must also engender change. In addition, it must also be able to create a melange between theory and practice. Dogmatism and rigidity are the common enemies of such an ideology, which needs to be open and critical.<sup>49</sup>

In the case of Iran, ideological transformation faced two parallel developments. Firstly, the delegitimisation of the old dominant ideology and secondly, the adaptation of the borrowed but all-persuasive ideology to the specific needs and interest of the "middle-class".<sup>50</sup> In the case of Iran, the borrowed ideology was Islam. Although Islam was all-embracing as a religion long before the political revolution of 1979, its subsequent adaptation as an ideology of the state followed only after the displacement of the Pahlavi monarchy,<sup>51</sup> and not before both secular and religious forces jointly participated in removing all ideological and other vestiges of the Pahlavi state.<sup>52</sup>

However, in the immediate post-revolutionary phase, contrary to the predictions of the Western media,<sup>53</sup> the Islamists or clerical element of the revolution gained the upper hand over the secular elements, comprising nationalists, socialists, leftists and liberals. What then was the reason for the triumph of the Islamists and the subsequent adoption of Islam as the dominant state

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<sup>49</sup> See Junc Nash, Juan Corradi and Hobart Spalding, Jr., (eds) *Ideology and Social Change in Latin America*, New York, Gordon and Breach Science Publishers, 1977.

<sup>50</sup> A number of authors have described the middle-class as the prime mover in the Iranian revolution of 1979. This has been attributed to their superiority in numbers and also because a majority of the Iranian intelligentsia critical of the Shah's policies were among the middle-class. Though a good number of the participating intelligentsia were socialist in colouring, a number of them – both religious and secular – were nationalistic and basically reform-minded. Hossein Bashiriyeh, *The State and Revolution in Iran*, London, Croom Helm, 1986. Robert Graham, *Iran: The Illusion of Power*, New York, St. Martins Press, 1979. See chapter 12.

<sup>51</sup> Mansour Farhang, "How the Clergy Gained Power in Iran", in Barbara Freyer Stowasser (ed), *The Islamic Impulse*, London, Croom Helm, 1987.

<sup>52</sup> This crusade entailed a range of activities for example the dismantling and complete purge of the imperial forces, the abolition of judicial and security apparatus of the state etc.

<sup>53</sup> Yann Richard, "The Relevance of 'Nationalism' in Contemporary Iran", *Middle East Review*, vol.xxi, no.4, Summer 1989. The author, who was in Iran during the revolution, recalls that most of the Western media "seemed to think that the Revolution was going to turn to the benefit of the National Front (Jebhe-ye-Melli)". p.27.

ideology?

The revolution was initially supported by a coalition of groups having different and even opposing backgrounds, goals and ideologies.<sup>54</sup> Ironically, in the ensuing struggle for power, groups helped to crush each other only to become victims themselves. For example, all groups helped to fight Mehdi Bazargan (November 1979, Khomeini's first appointed Prime Minister); those who remained then joined in disqualifying Ayatollah Kazem Shariatmadari (1980, leader of the five million Turkish-Azari speaking Iranians and also a high-ranking cleric).<sup>55</sup> The others helped the clerics in bringing down Abolhassan Bani Sadr (summer 1981, President of the Islamic Republic) and with him the Mojahedeen.<sup>56</sup> Those who still remained helped in removing Sadeq Qotabzadeh (summer 1982, foreign minister) who was executed later that year.<sup>57</sup> The remainder - and among them Hujjatiyyah (the most strictly orthodox religious grouping) helped in the crackdown on the TUDEH (Communist party) in the spring of 1983.<sup>58</sup> Finally, the radical clerics belonging to the Khomeini factions turned against the Hujjatiyyah in August 1983.<sup>59</sup> Thus, from what started out as working within a political alliance, Khomeini's supporters gradually achieved exclusive power within Iran.<sup>60</sup>

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<sup>54</sup> For a well laid out description of the secular, religious, nationalist and ethnic groups which were active in the aftermath of the revolution, see Nozar Alaolmolki, "Iranian Opposition to Nozar Khomeini and the Islamic Republic", *Australian Outlook*, vol.23, no.2, August 1984, pp.99-105.

<sup>55</sup> Ayatollah Shariatmadari was one of the early opponents of the clergy's participation in politics as well as in the institution of the *vilayat-e-faqih* (government of the jurisconsult, office of Ayatollah Khomeini). The clerical community of Qom (holy city in Iran) then convened and stripped Shariatmadari of the title of Ayatollah in 1982. See *Roots of Revolution, op.cit.*, pp.263 and 265.

<sup>56</sup> In June 1987 the Mojahedeen (armed guerillas) rallied their support behind the ousted President Bani Sadr. Ironically the Mojahedeen had spoken in favour of Khomeini and the Islamic Republic, despite the fact that Khomeini never accepted the Mojahedeen as a legitimate Islamic organisation. See "Iranian opposition to Khomeini and the Islamic Republic", *op.cit.*, pp.99-100.

<sup>57</sup> In mid-April 1982, Qotabzadeh appeared on national television and confessed to conspiring to destroy all the heads of the Islamic Government including Khomeini. He also confirmed that he had enlisted the support of a group of military officers and that of Ayatollah Shariatmadari, *ibid.*, p.100.

<sup>58</sup> See Zalmay Khalilzad, "Moscow's Double Track Policy, Islamic Iran: Soviet Dilemma", *Problems of Communism*, vol.xxxiii, January-February 1984.

<sup>59</sup> See the varied examples of leading orthodox clerics who were removed from their positions because of their opposition to Khomeini's views on religion and politics, "Iranian opposition to Khomeini and the Islamic Republic", *op.cit.*, p.101.

<sup>60</sup> Some authors also attribute the triumph of revolutionary Islam as the state ideology in Iran, to the uncompromising stance it took on all issues, by contrast with the leftist or nationalist ideologies which were willing to accept compromises. Moreover Islam, as a religion with universal scope, tended to be internationalist and even assume certain supranational dimensions. See for example *The Political Economy of Modern Iran, 1926-1979, op.cit.*, especially the comparison of revolutionary Islam with the uncompromising position taken in Europe by the nationalists, who were in direct opposition to the Church.

Having come to power in 1979, the revolutionary government, consisting mainly of clerics, concentrated on the consolidation, institutionalisation and – if possible – perpetuation of clerical rule. It was recognised that to implement Khomeini's revolutionary ideology it was necessary to rally a popular front which would actively support the clerics and maintain a critical level of revolutionary zeal. In addition, power would have to be concentrated within revolutionary institutions and active and potential opposition kept at a minimal level.<sup>61</sup>

In realising the above goals, the leadership faced difficulties on various levels. Firstly, given that Islam is cross-class in nature, its interests naturally extended beyond the interests of any one class; this resulted in inter-class and intra-class conflicts. The fragmentation of Iranian society due to this conflict into several factions, each with different interests and motivations, rendered Islam problematic as an all-embracing ideology.

At a more general level, the leadership faced difficulties inherited from the previous regime, including repression, centralism, corruption etc. It is therefore not surprising that there are demands for the rectification of these errors and for popular participation.<sup>62</sup> The inability of the revolutionary government to decentralise decision-making, planning and formulation of policy outside of a few "Revolutionary Institutions" (Nichadha-ye-Enghelabi) has been partly attributed by some authors to the fact that "the old military (opposed to federal) and sectorial (opposed to regional) structure of the state remains largely intact."<sup>63</sup>

The above mentioned shortcomings, however basic they may be to consensus-based politics, were not too great to be sacrificed by the Iranian leadership at the altar of ideological Islam. This attitude led to the alienation of a wide spectrum of supporters for whom Khomeini was the undisputed leader. According to some authors, at the present time, the regime has no active

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<sup>61</sup> See for example Cheryl Bernard and Zalmay Khalilzad, *The Government for God: Iran's Islamic Republic*, New York, Columbia University Press, 1984.

<sup>62</sup> The most outspoken critic of the Islamic Government in Iran is the ex-president of the Islamic Republic of Iran - Abol Hassan Bani-Sadr. Through his newspaper *Islamic Revolution*, in a column titled the "President's Diary", he condemned corruption and equated the Islamic Republic Party (IRP) with the single party of the Shah's regime, the Rastakhiz. In the period before being removed from office, Bani-Sadr sent a letter to Khomeini warning that the latter's trust in the IRP amounted to committing suicide. See Dilip Hiro, *Iran Under the Ayatollahs*, London, Routledge and Kegan Paul, 1985, pp.179-85.

<sup>63</sup> Hooshang Amirahmadi and Manoucher Parvin, (eds.), *Post-Revolutionary Iran*, London, Westview Press, 1988, p.235.

supporters beyond ideological Islamists ...<sup>64</sup>

## II.1 Ayatollah Khomeini and the Concept of Islamic Government

Ayatollah Khomeini's concept of Islamic Government is rooted in two basic premises. Firstly, the illegitimacy of the Pahlavi monarchy and his lifelong opposition to it.<sup>65</sup> Secondly, his singular focus on re-creating Islamic society free from atheistic ideologies of either left or right, independent of the influence of the world's major powers. Both these premises, when extended, converge on the need to establish an Islamic government. In the words of one author, what resulted from the above line of thinking was "The ideologisation process of religion which allowed contemporary Muslim thought to make decisive shifts from the traditional theological field to the sociological one, and to formulate the content of Islam in terms of norms and values of socio-political order".<sup>66</sup>

The historical debate concerning the legal and doctrinal justification for Islamic government is too extensive to be discussed here in detail. It will suffice therefore to concentrate on Khomeini's concept of Islamic government and – more importantly – the idea of *vilayat-e-faqih* (guardianship of the jurisconsult, an office held by Khomeini). This will provide a backdrop against which Khomeini's concept of world order may be examined.

The concept of *hukumat* (government) in Ayatollah Khomeini's political thought is rooted in *vilayat* or (guardianship) that is limited to God, to the Prophet Mohammad, to the infallible imams (*ma'sumin*) and, only by extension, to the learned and pious *faqih* (jurisconsult). To the *faqih* belongs the temporal as well as the spiritual authority, which he should exercise in the absence of the twelfth Imam who will appear ultimately as the *Mahdi* (messiah) or the *Sahib-e-Zaman* (master of the age) to establish just and equitable rule.<sup>67</sup>

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<sup>64</sup> Homa Katouzian, "Islamic Government and Politics: The Practice and Theory of the Absolute Guardianship of the Jurisconsult" in Charles Davies, (ed), *After the War Iran, Iraq and the Arab Gulf*, Chichester, West Sussex, Carden Publications Ltd, 1990.

<sup>65</sup> In his book *Hukumat-i-Islami or Islamic Government*, which originally was a series of lectures given at Najaf (Iraq) between January 21 and February 8, 1970, Khomeini equates monarchy and hereditary succession to a "sinister, evil system" which is contrary to the laws of Islam. See Hamid Algar's translation of the original text *Islam and Revolution: Writings and Declarations, Imam Khomeini*, London, KPI Ltd., 1981, p.31.

<sup>66</sup> Ali Merad, "The Ideologisation of Islam in the Contemporary Muslim World", in Alexander S. Cudsi and Ali E. Des-souki (eds), *Islam and Power*, Baltimore, Johns Hopkins University Press, 1981, p.37.

The interim period according to Khomeini, should be presided over by the rule of the ulema (Islamic clergy) or more appropriately the faqih who should exercise authority as the na'ib al 'amm or the representative of the Mahdi. This notion of the ideal rule implemented by the faqih, acting in the absence of the Mahdi, commands wide acceptance among Shi'a mujtahid,<sup>68</sup> in Shi'ite jurisprudence. The rule of the vilayat-e-faqih which has been formalised by the constitution of the Islamic Republic of Iran can be regarded as a rational step in the development of Ja'afri Shi'a political theory. In the opinion of one author the logical basis to the absolute nature of the faqih's decrees and edicts was actualised when Ayatollah Khomeini "transformed a sizeable section of the Shi'ite hierocracy into a revolutionary political party".<sup>69</sup> This revolutionary party (The Islamic Republican Party or IRP) consisting of clerics and followers draws on the cult of martyrdom to realise the rule of Ayatollah Khomeini's Islamic Government, on behalf of God and the hidden Imam (Mahdi). Although Khomeini remained above the politics of the IRP and never formally endorsed it, the leadership of the IRP fully supported Khomeini's doctrinal position on Islamic Government.<sup>70</sup> By the end of 1987, the office of vilayat-e-faqih and its nature and scope became the topic of a national debate which involved a number of religious politicians and scholars.

The following ruling by Ayatollah Khomeini on the absolute nature of vilayat-e-faqih started this long-running controversy. In addition to the existing powers vested in the office of vilayat-e-faqih, over economic, social and political affairs, Khomeini added that:

"The government which is a part of the absolute vice-regency of the Prophet of God ... is one of the primary injunctions of Islam and has priority over all other injunctions ...

<sup>67</sup> See Abdul Aziz Abdulhussein Sachedina, *Islamic Messianism: The Idea of the Mahdi in Twelver Shi'ism*, Albany, State University of New York Press, 1981, for an informative study which sets out to compare the classical Shi'ite tradition with regard to the divine law in spheres of political relevance and Khomeini's theory of government. Also see Norman Calder, "Accommodation and Revolution in Imami Shi'i Jurisprudence: Khomeini and the Classical Tradition", *Middle Eastern Studies*, vol.1, no.18, January 1982, pp.3-20.

<sup>68</sup> Mujtahid means Islamic Scholar capable of independent interpretation of Koranic texts.

<sup>69</sup> Said Amir Arjomand, "History, Structure and Revolution in the Shi'ite Tradition in Contemporary Iran", *International Political Science Review*, vol.10, no.2, 1989, p.112. The author describes the transformation as the "final stage of the growth of Shi'ite clerical authority".

<sup>70</sup> For the IRP's role in shaping the politics of revolutionary Iran, and the selection of one of its members, Mohammad Ali Rajai, as the first Prime Minister of the Islamic Republic of Iran, see Robin Wright, *In the Name of God: The Khomeini Decade*, New York, Simon and Schuster, 1989, pp.90-91. In an interview with the New York Times, Mir Hossein Musavi (then foreign minister) stated that to defend the revolution they (those committed to the ideals of the IRP) were ready to give martyrs. Reprinted in *Kayhan International*, October 12, 1981.



The Government is empowered to unilaterally revoke any Shari'ah agreements which it has concluded with the people when those agreements are contrary to the interests of the country or Islam. It can also prevent any devotional or non-devotional affair if it is opposed to the interests of Islam and for so long as it is so."<sup>71</sup>

The above ruling, taken together with the developments of the last decade, reveals the extent to which Khomeini was prepared to rush to the defence of what in his own words has been described as "Islam-e-nab-e-Mohammadi" or "pure Mohammadan Islam". However it cannot be said that Khomeini's doctrinal position on absolute government (as suggested by the text above) went unchallenged. In a seminar of jurists and religious personalities the concept of the absolute nature of vilayat-e-faqih was discussed. The arbitrariness and lawlessness which may arise out of such power were debated upon. What was actually being questioned was the political legitimacy of Guardianship of the Jurisconsult or vilayat-e-faqih. Above all it was argued "If the Guardian is neither sinless and infallible nor in direct communication with God, on what authority could he suspend, modify or replace fundamental shariah [religious] law, whenever he judged them to be inexpedient or contrary to the interest of Islam itself?"

Seeing the intelligent opposition arising from within his own supporters, which included the President, the head of the legislature, the head of the judiciary, the Prime Minister and his own son, Khomeini agreed to the appointment of a Council for Judging Expediency, which in his view was unnecessary, but permissible "for the sake of observing maximum caution". The Council was made up of six members from the Council of Guardians (of the Constitution) and seven members from the government, including the President, the Majles Speaker and the head of the legislature, the Prime Minister, the President of the Supreme Court and the Prosecutor-General. Khomeini also added that his son Ahmad would attend the Council so that he could be kept abreast of the various issues being discussed.<sup>72</sup>

The creation of the Expediency Council clarified to a great extent the nature and scope of the office of vilayat-e-faqih. As before, "all matters concerning social, economic and political

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<sup>71</sup> *Summary of World Broadcasts (SWB)*, ME/0043, January 8, 1988, pp.1-2.

<sup>72</sup> The above arguments figured in the Iranian press and have been referred to in "Islamic Government and Politics", *op.cit.* Also see *Kayhan International* for serialised articles on the concept of vilayat-e-faqih written by Khomeini during the same period(1988) and translated from Persian to English.

life" – being within the sphere of Islamic jurisprudence – were subject to the absolute Guardianship of the Jurisconsult. "But the powers of Guardianship were themselves bound by Islamic jurisprudence" and therefore could not be arbitrarily used. The debate and the subsequent formation of the Expediency Council hence solved to a large extent both "the theoretical problem of political legitimacy and the practical problem of collective leadership".<sup>73</sup>

As mentioned before, Khomeini firmly believed that Islamic Government headed by the learned jurisconsult or faqih was a necessary phase before Islamic world government could be established by the reappearance of the Mahdi who is in occultation. Further, according to Khomeini, since Islamic government or the "Government of God" was realised only in Iran, it was only natural that it "wishes to establish divine justice in the world".<sup>74</sup> This Mahadistic or Messianic tenet had a unique impact on the foreign policy behaviour of Iran, making the export of the revolution a primary foreign policy objective.

## II.2 Impact of Ideological Islam on Iran's Foreign Policy

In the words of Shireen T. Hunter,<sup>75</sup> Iran's foreign policy since the revolution

"has been more deeply affected than before by ideological considerations, as a relatively well-defined set of beliefs has guided its actions. The Iranian leadership has been divided over the interpretation of different components of this broad ideology, but no key political figure has challenged the validity of the basic framework. Because of its principal motivations, the Islamic regime has seen itself as representing not just Iran's state interests but also those of a much broader Islamic movement. Thus, in the process, it has acted not only as a state but often as the spokesman of a cause."<sup>76</sup>

As mentioned in the concluding paragraph of the last section, Ayatollah Khomeini's world view consisted of establishing an Islamic World Order, the basis of which would be an integrated Ummah (congregation of believers). The role of Iran in this Islamic World Order is based on its commitment to providing the necessary material and spiritual guidance to Moslems in their strug-

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<sup>73</sup> *Ibid.*

<sup>74</sup> *Foreign Broadcast Information Service, (FBIS), South Asia, February 14, 1983.*

<sup>75</sup> Shireen T. Hunter is Deputy Director of the Middle East Programme at the Center for Strategic and International Studies in Washington.

<sup>76</sup> Shireen T. Hunter, *Iran and the World: Continuity in a Revolutionary Decade*, Bloomington and Indianapolis, Indiana University Press, 1990, p.36.

gle to replace the world imperialist governments with a just and divine government of the meek.

Article 3, Section 16 of the Constitution of the Islamic Republic states that the Islamic government of Iran would engage all provisions to realise the formulation of a foreign policy based upon "Islamic criterion, brotherly commitment to all Moslems and unqualified protection of all the deprived of the world."<sup>77</sup>

One of the direct consequences of the internal political system and the external perceptions and objectives of Tehran in terms of policy towards other states, especially in the region, has been the export of the revolution.

The export of the revolution to other countries in the region had a two-fold purpose. To destabilise the political situation in those areas and create a hostile environment for Western interests. In addition, Iran, an Islamic revolutionary state of Shi'ite political persuasion, was primarily interested in liberating its Shi'a brethren in the Gulf States, Lebanon and Iraq, which continue to suffer deprivation under the predominantly Sunni ruling classes. Therefore for Iran, Western interests which were in favour of maintaining the status quo in the name of political stability and an uninterrupted supply of oil to the West, meant continued political deprivation and oppression.

Use of terror tactics against the French and US embassies in Lebanon and the taking of hostages were also motivated by the above factors. Iranian government functionaries like Mohsen Rafiqdoost, Minister of the Revolutionary Guards, explained yet another socio-political dimension of his country's involvement in Lebanon to Robin Wright, journalist and author. Rafiqdoost told her: "we wanted to transfer our culture to Muslims in Lebanon. I saw the corrupted culture there. We started to show Muslims in Lebanon our way of living and our way of fighting". When queried about his organisation's alleged involvement in the suicidal bombing of the American marine barracks and hostage-taking in Lebanon, Rafiqdoost replied;

"We only trained the Lebanese (Shi'ites) to defend their country. When we heard about the bombs - which killed two hundred and forty one American troops - we were

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<sup>77</sup> *The Constitution of the Islamic Republic of Iran*, Tehran, no date, p.22.

happy. But we didn't plan it. It was their right. Ask yourself, why were the Americans in Lebanon?"

Not, he implied, to help the Muslim community.<sup>78</sup>

One of the main reasons why the Iranian style of protest did not develop into a wider revolutionary movement in the region was because it was Irano-Shi'a centric. The concept of *vilayat-e-faqih* was unacceptable to Sunni religio-political thinking. Moreover the infighting within the clerical ranks in Iran demoted the infallible nature of the revolution into a mere political movement in the eyes of many Moslems. Nevertheless, the revolution still had a number of adherents especially among those who were disenchanted by the decadence and pro-Western tendencies of Muslim rulers.

It is the belief of certain authors that the Iranian revolution has failed to have, or is unlikely to have, any long-term international impact in the same way as the American, French and Russian revolutions.<sup>79</sup> It is easier to agree with the latter part of the above opinion as it is still too early to measure the historical contribution made by the Iranian revolution towards the politics of the Middle and Near East and to the Muslim world in general. However, to argue that the revolution has had *no* international impact is difficult to accept.

For one, "the very act of overthrowing the most powerful monarchy in the region and its replacement by a republican regime challenged the legitimacy of the remaining dynasties in the Gulf and, moreover, exposed the fragility of these regimes and the feasibility of overthrowing them."<sup>80</sup>

The export of the revolution being an integral part of Iran's revolutionary foreign policy necessitated the formulation of both short-term and long-term strategies by the leadership. In the first instance, supporters were encouraged to demonstrate against the ruling cliques which, if monarchical or involving hereditary succession, were condemned as being anti-Islamic and

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<sup>78</sup> Robin Wright, "A Reporter at Large: Tehran Summer", *The New Yorker*, September 5, 1988, p.42.

<sup>79</sup> This was the opening comment of Patrick Bannerman, arguing the case against the Iranian Revolution as being a Historic Revolution at a Conference convened by the Royal Institute of International Affairs on "The Iranian Revolution, Ten Years After", held at Chatham House, London on January 19-20, 1989.

<sup>80</sup> Efraim Karsh, "From Ideological Zeal to Geopolitical Realism: The Islamic Republic and the Gulf" in Efraim Karsh, (ed), *The Iran, Iraq War: Impact and Implications*, London, Macmillan, 1989, p.29.

invalid. Some of these protests in the Gulf countries did result in serious breaches of internal security and obliged governments to adopt repressive measures.<sup>81</sup> Long-term strategies involved steps to radicalise the entire Muslim ummah against what was considered as their illegitimate governments and rulers and against Western, especially American, domination of the affairs of the Middle East and the Muslim World.

For example, Khomeini argued that the annual pilgrimage to Mecca (Haj) was not only to be considered as an act affirming devotion to God, but an opportunity for Muslims to demonstrate and rid the Muslim world of foreign domination. This would remind Muslims of their social and political obligations and fulfill the real purpose and spirit of the pilgrimage just as God had intended. Khomeini's call to use the Haj as a tool of political protest resulted in violent clashes between Iranian pilgrims and Saudi militia in July 1987, causing the death of several hundred pilgrims. On the international level this led to mutual recriminations and the cutting off of all diplomatic ties between the two countries.<sup>82</sup>

In the period after the Haj tragedy, the speaker of Iranian Parliament in a speech in October 1988 admitted that there existed serious differences among the world congregation of Muslims (ummah) especially along political and religious lines. This disunity was even more apparent among Shi'as and Sunnis, and any vision of achieving the ideal of a united ummah, Rafsanjani concluded, would have to be preceded by "a high mindedness (se'eh-sadr)" which does not exist.<sup>83</sup>

It is important to note that Iranian leaders themselves have recognised the failure of tactics used to implement their strategies connected with the export of the revolution. Rafsanjani, in describing Iran's revolutionary position vis-a-vis other countries in the world political arena, clearly states: "One of our incorrect measures was that, in the revolutionary atmosphere, we made enemies ... We created enemies for ourselves. Those who could have remained indifferent were made to transform their indifference into hostility, and we did not attempt to attract the friendship

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<sup>81</sup> See *Keesing's*, vol. XXXIII, 1987, p.35289-35291.

<sup>82</sup> *Ibid.*

<sup>83</sup> *FBIS*, South Asia, November 1, 1988.

of those who could have been our friends."<sup>84</sup>

Another aspect of ideological Islam on Iran's foreign policy process was manifested in its allegiance to the principles of non-alignment. On the one hand revolutionary Iran remained within the movement, while on the other it questioned the concept of non-alignment and its functions.

Non-alignment can be considered as a built-in component of Iran's revolutionary foreign policy. The Iranian revolution being primarily directed at a regime which was an active client of a superpower and one in which no foreign power was involved "provided tremendous confidence, self-righteousness, and exuberance to the new regime".<sup>85</sup> Non-alignment, which is generally understood as a positive concept based on passive resistance to superpower politics was not fully acceptable to the Iranian regime. Iran sought to revolutionise this philosophy and saw the movement as a platform for direct confrontation with the superpowers.

Dr. A.H.H. Abidi of the School of International Studies, New Delhi, and a specialist on Iranian affairs states that "According to the Iranians, the tendency of alignment/non-alignment is the external manifestation of the state of mind of a given ruling elite". The Iranians argue that "true non-alignment is possible only when the thought process of the people and leaders are completely emancipated from political oppression, economic exploitation, cultural manipulation, mental slavery, and all other causes of fear and alienation". From the Islamic perspective, this is possible when "one is subservient only to God and to no other power on earth".<sup>86</sup> In this context, Prime Minister Hossein Musavi has stated that many countries and peoples "regard the Islamic Revolution [Iranian Revolution] as a historical experience and model for revolt against the western and eastern imperialists".<sup>87</sup>

On one level Iran's stance on non-alignment was a revival of Mossadegh's "negative balance" in the sense of following neither East nor West. Dr. Jamshid Hagoo a Deputy in the

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<sup>84</sup> BBC, SWB, July 1988, (ME/0195/A/4).

<sup>85</sup> A.H.H. Abidi, "Revolutionary Iran's Perception of Non-Alignment and the Non-Aligned Movement", *Non-Aligned World*, vol.2, no.3, 1984, p.351.

<sup>86</sup> *Ibid.*, p.352.

<sup>87</sup> *Kayhan International*, January 16, 1984.

Foreign Ministry during the early days of the revolution when the nationalists were still in government, stated that the "Neither East nor West" policy espoused by Khomeini (Na Sharki, Na Gharbi) did not "mean self-ostracization ... but independence, self-reliance, resourcefulness, as well as political and economic independence".<sup>88</sup>

On another level Iran viewed non-alignment or the neither East nor West ideal as a basis for conducting its foreign relations by "preserving the principle of non-compromise". Hossein Musavi, who can be considered as a staunch Islamist following Imam Khomeini's line, described the foreign policy system of the Islamic Republic as one which "negates compromise ... despite various pressures and crises imposed by imperialism ..." <sup>89</sup> At the seventh non-aligned summit held in New Delhi, Musavi added that member governments who based their policies on non-alignment "*cannot and shall not* think of anything in the international political scene but winning true independence for all, and annihilating all forms of dependence on the Big Powers and political and economic empires which have divided God's earth into zones of influence".<sup>90</sup>

In practice however, maintaining the "neither east nor west" policy strictly led to certain ambiguities in Iran's foreign policy formulation. Take for example the following views of the Iranian Foreign Ministry on economic relations. In an interview, Ahmad Azizi, the undersecretary for economic affairs, stated that in establishing relations his country "would give priority to those who do not have ties with the superpowers" or intend to "impose their economic or political views on Iran". He added however, that although Iran was "constantly trying not to have any special tendency towards any certain blocs ... economic ties with the Eastern bloc are to the extent that we can call them rational and reasonable" (sic).<sup>91</sup>

A partial explanation of the above contradiction in terms of policy would be that, on the periphery of the neither East nor West posture, Iran adopts "a basically benign view of the Soviet

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<sup>88</sup> *Kayhan International*, November 13, 1980.

<sup>89</sup> *Kayhan International*, August 18, 1981, Musavi was especially against compromising on issues which faced the Muslim world, like the question of Palestine and the common military and economic strategic interests of both Western Europe and the United States towards the region.

<sup>90</sup> Quoted in "Revolutionary Iran's Perception on Non-Alignment and the Non-Aligned Movement", *op.cit.* p.356. Emphasis added.

<sup>91</sup> *Kayhan International*, August 18, 1981.

Union, favouring close co-operation with Eastern bloc countries. "This ambiguity in the view of certain authors has rendered Iran's post-revolutionary foreign policy both "dualistic and contradictory" in character.<sup>92</sup>

A lack of a proper mix of ideology and pragmatism made Iran's approach to non-alignment politically unviable and Khomeini's advice to the movement to revolutionalise the dominant orders untenable for the rest of the grouping. Dr. Abidi, in presenting a non-religious analysis of Iran's perception of the Non-Aligned Movement, states that "the Iranians show a lack of understanding of the socio-politico-dynamics of the diverse societies of the Third World". Adding that non-alignment "cannot be seen only in black and white terms" but within the wider context of "the hard realities of international politics", Dr. Abidi concludes by saying that the "basic difficulty in the Iranian approach is that they are not prepared to rise above religion in order to tackle the intricacies of politics or economics". He described their approach as "emotional, rather than rational".<sup>93</sup>

### III. The Evolution of Iran's Foreign Policy and Diplomacy

Chapter Three of this thesis and Section One of this chapter demonstrate that, during the rule of the Pahlavi monarchy, the nature and direction of Iran's external relations underwent considerable change, reflecting both developments within Iran and events in the international arena.

The underlying principles of Pahlavi Iran's "national independent" foreign policy as stated by the leadership were

- (i) adherence to the Charter of the United Nations and respect for international law; and
- (ii) establishment of friendly relations with all countries regardless of their economic and social system.<sup>94</sup>

In fact, it would not be incorrect to state that without jeopardising Iran's special political and economic relations with the West, the former sought to maintain diplomatic and economic

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<sup>92</sup> *Iran and the World: Continuity in a Revolutionary Decade*, *op.cit.*, p.43.

<sup>93</sup> "Revolutionary Iran's Perception of Non-Alignment and the Non-Aligned Movement", *op.cit.*, p.361.

<sup>94</sup> See Chapter Three of this thesis.



relations with as many socialist, Western and Third World countries as possible.

By the mid-1970s Iran's special relationship with its western allies suffered considerable setbacks due its leading role in increasing the price of oil and its rapid military build-up. This led the West to carefully scrutinise Iran's record on human rights which hitherto was not an issue governing the relationship between the two.

In addition the military component of Iran's foreign policy caused much concern to the West, which felt that it directly affected the pro-Western Gulf Arab states and sought to further radicalise the anti-western movements in the region.

Albeit, Iran remained firmly within the Western camp, given its deep involvement with the former in the economic, political and military fields.

This situation created the impression among many that Iran was openly a pawn of the West, carrying out the imperialist game plan in the region Persian Gulf region. Opposition groups both secular and religious were against Iran's membership in CENTO (Central Treaty Organisation) and its relations with Israel and S. Africa, which further seemed to prove their country's domination by outside powers.

With the advent of the revolution there was general disagreement regarding relations with the West. The nationalist elements favoured maintaining links with the occident and the United States as opposed to the demands of the left and the clerical factions who were not in favour of it. In order to reach a middle ground, the Shah's last government led by the late Shapour Bakhtiar declared it would leave CENTO and sever relations with Israel and S. Africa – a decision which was acceptable to all groups.

In the period preceding the declaration of Iran as an Islamic Republic, Mehdi Bazargan's provisional government was not able to bring about any change in Iran's foreign policy at the official level. By attempting to follow a moderate policy of non-alignment, Bazargan was suspected of wanting to move closer to the United States by the left and the Islamists. A direct consequence of this was the hostage crisis, which was a move to reverse this perceived trend.

The hostage crisis, while successfully alienating the West from Iran, opened a new chapter in Iran's foreign policy and diplomacy. One which was characterised by violence and greatly affected by Islamic revolutionary ideas. Although the direction of post-revolutionary Iran's foreign policy has often been determined by the changes in the configuration of power among internal groups, pragmatic considerations dictated by strategic and economic necessities have been said to be the prime mover of Iran's foreign policy. This has urged a line of reasoning (much to the chagrin of Iranian Foreign Ministry officials) that the pre- and post- Shah regimes have maintained a degree of congruence in their foreign policy objectives, differing only in method. For example some analysts argue that the two regimes "share a striking similarity in their perception of Iran's regional role", which is motivated by the "unyielding determination to assert Iran's supremacy throughout the Gulf".<sup>95</sup>

The above view is not subscribed to by Iranian Foreign Ministry officials, who believe that Iran has no desire to assert itself militarily in the Persian Gulf region. They add that one of the main outcomes of the "Islamic revolution" was to relinquish its role as gendarme of this region.<sup>96</sup> This of course leaves the question of Iran's quest for spiritual/ideological leadership in the Persian Gulf region. It has been argued that Iran's war with Iraq was a direct outcome of this quest. But with acceptance of Security Council Resolution 598 in July 1988 it is argued that "Iran's world view had completed a cyclical reversal – from the revisionist dream to shape the Gulf along Islamic lines to acquiescence in the status quo established by the Shah in the mid-1970s."<sup>97</sup>

It must be mentioned at this juncture that there is a chance that the above arguments tend to simplify the nature and relationship between particular dimensions of pre- and post-Shah foreign policy. In the context of the above views, it may be said that the chances of outside misperceptions are a possibility given the deep ideological gap between the pre-revolutionary monarchic regime and the post-revolutionary Islamic regime. It may therefore prove much more fruitful to study the orientation of Iran's foreign policy through its different phases and based on its actual

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<sup>95</sup> "From Ideological Zeal to Geopolitical Realism" *op.cit.*, p.26.

<sup>96</sup> Interview with *ex-deputy Foreign Minister* Mohammad Javad Larijaani in *Tehran, November 1990*.

<sup>97</sup> "From Ideological Zeal to Geopolitical Realism", *op.cit.*, p.27.

practice, with reference to domestic determinants.

### III.1 The Orientation of Revolutionary Iran's Foreign Policy

In an interview with Dr. Mahmood Sariolghalam,<sup>98</sup> he stated that, in order to understand the Iranian revolution and the political processes it set in motion (of which the formulations of foreign policy assume a crucial part), it is necessary to pose certain questions and take into account certain variables. For example,

- (i) Which strata of the Iranian population have become the decision-makers after the revolution?
- (ii) What are their characteristics, what are their beliefs, thoughts and traditions? And how do they relate to the international system?

Of the variables that contribute to post-Shah political development the (a) the Islamic religion, (b) the impact of historical events and enduring perceptions of the past, and (c) the transformation of the clergy from a potential to an actual elite group are the most significant. The last variable is particularly important as it was "the existence of well-established, semi-organisational, traditional and religious linkages in the pre-revolutionary period that provided the clergy with capabilities to rise above other intellectual groups and set the foundations of a new structure".<sup>99</sup>

In order to gain a general picture of the decision-making apparatus in post-revolutionary Iran and some of its characteristics, Dr. Sariolghalam points out that the Shah's regime had alienated "the majority of the population". This majority and the clergy, he argues, have been asked to become decision-makers in the new structure after the revolution. Hence in true revolutionary fashion "formerly alienated and inexperienced and presently revolutionary decision-makers are learning and adapting to the requirements of national statecraft."<sup>100</sup> Crisis management, trial and error and constant modification of ideas have characterised the decision-making

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<sup>98</sup> Dr. Mahmood Sariolghalam is a professor of International Relations at the Shaheed Beheshti University in Tehran.

<sup>99</sup> The above has been excerpted from a paper read by Dr. Mahmood Sariolghalam at a BISA (British International Studies Association) Conference held at the University of Kent, Canterbury in December 1989, entitled "Islamic Revolution of Iran: Sources of Change and Challenges for Adaptation".

<sup>100</sup> *ibid.*

process in the last decade. In all this the Islamic clergy performs a crucial role. Dr. Sariolghalam is of the view that "as the clergy develops, learns, adapts and changes, the population in turn will change and adapt". Portraying the clergy as a source of change in itself, he concludes by stating that "the conceptual, orientational and evolutionary changes within the clergy will be the major determinants of the trends and patterns of Iranian politics in the coming years."<sup>101</sup>

The question of how the Islamic government and its proponents seek to establish and structure a religious state within a secular international system has raised considerable conceptual problems for Iranian decision-makers and continues to have a direct impact on the orientation of Iran's foreign policy. For example, while rejecting superpower politics and the concept of balance of power in the international system on the one hand, Iran adopted the creed of violence as a corrective measure in its foreign policy orientation on the other. In this context Khomeini told his followers that, because the superpowers "are responsible for all world corruption", Muslims "should mobilise the oppressed and chained nations so the superpowers can be pushed out of the scene and the governments can be handed over to the oppressed". But this must be done in a way that teaches the superpowers a lesson ... "they must be slapped in the face ... Through violence the satanic majority will be made to submit to the righteous few."<sup>102</sup>

The termination of the Iran-Iraq war and the reconstruction phase which is underway in Iran have brought other ways of looking at the above-stated dilemma. Decision-makers and academics believe that the conceptual task facing them is to bring into congruence "divine norms and laws with the conventional interpretations of nationality in the contemporary international system."<sup>103</sup>

As shown in Chapter Two of this thesis, Iran's geopolitical situation influenced its perceptions of the outside world and continues to have great influence on its external relations. The Pahlavi regime's obsession with security arising out of the East-West ideological competition

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<sup>101</sup> *Ibid.*

<sup>102</sup> Quoted in Martin Kramer, (ed), *Shi'ism, Resistance and Revolution*, Boulder Colorado and London, Westview Press, 1987, p.52.

<sup>103</sup> Mahmood Sariolghalam, *op.cit.*

over influence in the Persian Gulf region was shared by the nascent revolutionary regime. Iran's ex-President, Abolhassan Bani-Sadr has been quoted as saying in this context that, because Iran historically has found itself "between two opposing powers ... It has always been a battlefield. At the beginning of this century, Iran found itself wedged between Tsarist Russia and the British Empire. Today it is between the Soviet Union and the United States."<sup>104</sup>

Following from the above perception, there exists a "constant fear of disintegration and dismemberment ... haunting Iranians". It is the belief of many Iranians of both regimes that "no foreign power wants to see Iran strong and independent." In the aftermath of the revolution in 1979, new forces came into play. The Asian Republics bordering Iran being predominantly Muslim and the existence of oppressed Shi'a populations in the Persian Gulf states provided adequate tinder to seriously destabilise the status quo in the region. Ayatollah Khomeini, describing the new situation, has been quoted as saying:

"With the victory of the Nation of Islam ... the attention of all the big powers centred on Iran, and their agents started conspiracy after conspiracy to prevent the realisation of this Islamic Republic. Because this Islamic Republic which started in Iran, and reached other Muslim and non-Muslim countries without doing any correct propaganda and merely by virtue of its message, is threatening those countries which are either under American or Soviet influence."<sup>105</sup>

In 1982, Foreign Minister Velayati stressed that "creating unity among the World Muslims was a strategic objective" of his ministry. Dr. Velayati added that his ministry sought to create a "unified Islamic front against imperialism and Zionism" in which "non-Islamic countries which had common views with Iran ... could also co-operate" ...<sup>106</sup>

To further examine Iran's quest to lead a front against the interests of the superpowers in the region, the following sub-section will study the domestic determinants of its foreign policy actions and diplomatic practice.

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<sup>104</sup> Quoted in Shireen T. Hunter, "Iranian Perceptions and a Wider World", *Political Communication and Persuasion: An International Journal*, vol.2, no.4, 1985, p397.

<sup>105</sup> Quoted in *ibid.*, p.398.

<sup>106</sup> *Kayhan International*, January 13, 1982.

### III.2 Domestic Determinants of Iran's Foreign Policy and Diplomacy

In revolutionary Iran, as in most states in the international system, the interaction between domestic politics and foreign policy has been of crucial importance. In the case of Iran this can be divided into three distinctive phases.

Phase one of Iran's revolutionary politics began with the seizure of power by the opponents of the Shah's regime (11 February 1979) and ended with the fall of Bazargan's secular government (6 November, 1979). This period was characterised by a power-struggle between non-religious elements who favoured gradual change and those following Khomeini's revolutionary creed. The opposing factions were represented by Bazargan's Provisional Revolutionary Government, and the Revolutionary Council.<sup>107</sup> The fall of Bazargan indicated that in the future non-religious forces would play a diminishing role in the domestic politics of Iran; this was reflected for the first time in Iran's foreign policy when the issue of future relationship with the United States came into focus.

The top echelon of Bazargan's Provisional Revolutionary Government especially Foreign Minister Ibrahim Yazdi, was prepared to maintain ties with the United States on "equal" terms. This was completely unacceptable to Khomeini and his followers in the Revolutionary Council who did not see any reason for maintaining a relationship with the United States, whom they referred to as the "Great Satan".<sup>108</sup>

Suspecting Bazargan's Foreign Minister Yazdi and the Prime Minister himself as having pro-American sentiments, militants calling themselves "Students and following the Imam's Line" seized the American Embassy on November 4, 1979. The captors demanded that the United States hand over the Shah for trial by a revolutionary tribunal. These events put to rest any hopes of normalisation of Iran's relations with the United States, but more importantly brought out into the open the power struggle between the government and its opponents. Bazargan and Yazdi

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<sup>107</sup> The Revolutionary Council was formed during Khomeini's final weeks of exile in France. The body consisted of sixteen to nineteen members comprising clerics and trusted supporters of Ayatollah Khomeini.

<sup>108</sup> A common justification for the Revolutionary Council stance were that any relationship with the United States would not transcend that which existed between a "Mostakbarin" or oppressor and "Mostazafin" or oppressed.

resigned after Ayatollah Khomeini endorsed the actions of the Students; this made way for the Revolutionary Council, whose membership had hitherto been secret, to take official control.<sup>109</sup>

A month later the Iranian people went to the polls and voted for an Islamic constitution;<sup>110</sup> this completed the formation of Iran into an Islamic Republic. Four hundred and forty four-days after their capture, the hostages were finally released.

Phase two followed from the collapse of the Provisional Revolutionary Government and lasted until the unceremonial departure of Abolhassan Bani-Sadr, the first president of the Islamic Republic of Iran.<sup>111</sup> Within eighteen months of his election as president (January 1980), Bani-Sadr became a victim of a power struggle in which the religious forces represented by the Islamic Republican Party triumphed.<sup>112</sup> Although during his tenure, Bani-Sadr chaired the Revolutionary Council and was appointed commander-in-chief of Iran's armed forces, he lacked the political maturity and astuteness to use his position of authority effectively. More importantly Bani-Sadr, who was educated in Europe and unable to establish a power base among the clergy and their supporters, found himself in opposition to the religio-political creed which had come to influence the political development of the country.

During this phase there was a lull in the area of Iran's foreign policy, because of internal disagreements on the appointment of a Prime Minister. This prevented Bani-Sadr from forming a cabinet, and only eight months after his election, i.e. in August 1980, did the Iranian Majles (parliament) decide to select a prime minister. The candidate who was finally chosen was Mohammad Ali Rajai, who was the Islamic Republican Party's choice because of his commitment to ideological Islam and Khomeini. Bani-Sadr would have much preferred an experienced technocrat to head the executive branch of government, but was in no position to influence the final outcome.

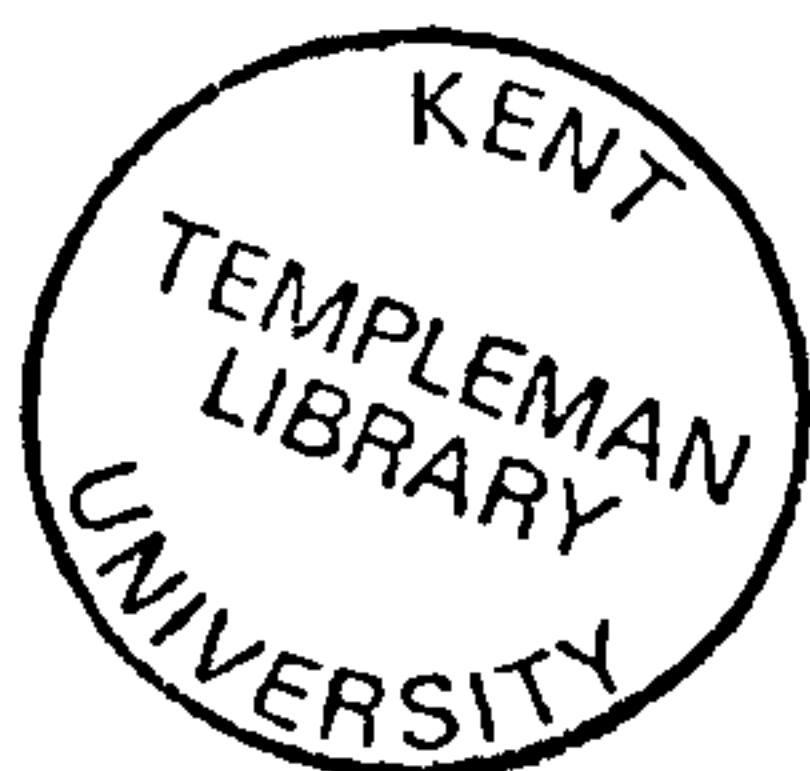
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<sup>109</sup> For a lucid account of the events leading up to the hostage crisis see Robin Wright, *op.cit.*, Chapter Two.

<sup>110</sup> "The document won 99.5% approval from almost sixteen million voters", *ibid.*, p.81.

<sup>111</sup> Out of a total of eight candidates Abolhassan Bani-Sadr, a French educated economist and the son of an Ayatollah, captured 76% of the total vote.*Ibid.*

<sup>112</sup> See *Keesing's* vol.XXVI, 1980.



Following Rajai's appointment, more disagreements arose over the selection of a cabinet. Finally on September 11, 1980, eleven days before the Iraqi invasion, the first cabinet was formed, completing the first government of the Islamic Republic of Iran.<sup>113</sup>

By not acknowledging the power the clerics represented and putting the matters of state above Islam, Bani-Sadr hoped gradually to wean the revolution away from installing a theocracy. Towards achieving this end he tried to dismantle those structures which supported ideological Islam like the local komitehs and Revolutionary Guards.<sup>114</sup>

With the onset of the war with Iraq (September 22, 1980), the infighting among the different factions temporarily subsided, only to resurface after Iran proved it could hold out against the better organised and superior forces of Iraq. This was proved at Khoramshahr, where the Iraqi army was denied an easy victory by the ferocity with which the people of the port city fought under the chaotic but effective leadership of the Islamists. The high casualty level resulted in Bani-Sadr, who had been appointed commander-in-chief, shifting the direction of the war from the hands of ideologically motivated but militarily untrained Revolutionary Guards to the regular army. Although Bani-Sadr spent much of his time at the front in order to bring about this change, the deadlock on the battlefield raised the question of how the war should be conducted. Here again Bani-Sadr, devoid of a sufficient power base in the Majles, was forced to reckon with the militant clerics who believed the war should be conducted by the Revolutionary Guards.

To prove his thesis that the war should be directed by professional soldiers, Bani-Sadr planned a counter-offensive using the regular army in January 1981. The operation was a complete failure and further eroded the president's position.<sup>115</sup> The ongoing disagreements between Bani-Sadr and the Islamic Republican Party reached unmanageable proportions. In March 1981, following Bani-Sadr's scathing public criticism of the Islamic Republican Party's tactics, which

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<sup>113</sup> *Keesing's*, vol.XXVI, 1980, pp.30629-30630.

<sup>114</sup> See Bani Sadr's views on Islamic government in Abolhassan Bani-Sadr, *The Fundamental Principles and Percepts of Islamic Government*, (translated from Persian by Mohammad Ghanoonparvar), Lexington, (USA), Mazda Publishers, 1981.

<sup>115</sup> *Keesing's*, vol.XXVII, 1981, p.31015. See comments of Iraqi Minister of Culture in the aftermath of his country's military occupation of the Iranian territory of Khuzistan.



he equated with "the single party of the Shah's era, the Rastakhiz", the Majles in a series of moves curtailed his powers and cut the budget for his office.<sup>116</sup> Finally, in June 1981 Bani-Sadr was officially stripped of the title of commander-in-chief of the army by Khomeini. In the same month the parliament overwhelmingly voted the president out of office by declaring him politically incompetent and an order for his arrest was issued.

The fall of Bani-Sadr, which coincided with the release of the American embassy staff, reflected the overall direction of Iran's foreign policy. In the first instance, it became clear that at the end of almost two years of domestic power struggles the militant Muslim strata had consolidated power. This, combined with the prolonged hostage crisis, its termination and the overwhelming victory of conservative forces in the American election, meant that the isolation process of Iran in the international system and its estrangement from the West was more or less complete.

The isolation of Iran, which can be said to have begun with the taking of the American Embassy in Tehran, was given the seal of international disapproval when, in reply to an application filed by the United States on November 29, 1979, the International Court of Justice ruled on May 24, 1980 that Iran "had violated in several respects ... obligations owed by it to the United States of America under international conventions in force between the two countries, as well as under long-established rules of general international law."<sup>117</sup>

Prior to the above judgement, the Security Council adopted Resolution 457 on December 4, 1979, and Resolution 461 on December 31, 1979 both of which "deplored the ... detention of the hostages and urgently called again for their immediate release."<sup>118</sup> It must be mentioned however that, in the Security Council debates, Kuwait believed that in the case of non-compliance by Iran "the Council should not threaten punitive measures against a party whose goodwill and co-operation were needed to overcome the problem". The Soviet Union, which abstained from the voting, felt that the dispute was bilateral and should be settled peacefully between the parties,

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<sup>116</sup> *Iran and the World: Continuity in a Revolutionary Decade, op.cit.*, p.106.

<sup>117</sup> *Yearbook of the United Nations*, New York, United Nations, vol.34, 1983, p.1121.

<sup>118</sup> *Yearbook of the United Nations*, New York, United Nations, vol.33, 1982, p.311.

adding that as the dispute did not fall under Chapter VII of the Charter the application of sanctions was not justified.<sup>119</sup>

Other measures taken by the United States under the Carter administration and carried on by Ronald Reagan included a ban on US imports of Iranian oil and a freeze of Iranian assets amounting to approximately eight billion US dollars.

The exit of Bani-Sadr ushered in the third phase in Iran's revolutionary political development. On the war front, the tide turned in Iran's favour. Iranian forces started off by recapturing some of its lost territories, finally retaking Khoramshahr in May 1982. By the end of June, Iraqi troops had withdrawn from most of Iranian territory.<sup>120</sup> On the domestic front what some authors refer to as the "third revolution" was taking place. The militant clergy and their supporters loyal only to Ayatollah Khomeini had total control of the state.<sup>121</sup> The theocracy which Bazargan and later Bani-Sadr had attempted to fight was now in place and ready to function. However Iran's politics during this phase was characterised by unprecedented violence on the domestic level. This was brought about by the willingness of both those factions which had been disinherited by the revolution and those in power to use extreme force. In the period following the political demise of Bani-Sadr, several assassinations of prominent figures in government and in the Islamic Republican Party took place. The Islamic regime, seeing the challenge from within, responded with equal ferocity; public executions and arbitrary detention were the order of the day.<sup>122</sup> All this however did not deter the new elections for a president and 27 members of parliament who

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<sup>119</sup> *Ibid.*

<sup>120</sup> See Chapter Seven of this thesis for details.

<sup>121</sup> Dilip Hiro, *Iran under the Ayatollahs*, London, Routledge and Kegan Paul, 1985, p.183.

<sup>122</sup> After Mr. Bani-Sadr had been ousted, Iranian authorities launched a campaign to eradicate all opposition, notably the Mojahedeen, as well as left wing opposition groups. Opponents of the government circulated both within and outside Iran. Abroad there were anti-government demonstrations. In the country, on June 23, 1981 a bomb exploded in Qom, Iran's main spiritual centre killing eight and wounding 50. The Mojahedeen said that since they would be risking arrest and probable execution, they would not participate in public demonstrations but would "unleash a war" against the Islamic Republican Party. On June 27, 1981 Hojatolislam Seyed Ali Khamenei, who represented Ayatollah Khomeini on the Supreme Defence Council, was wounded when a bomb planted in a tape recorder exploded in front of him while he was addressing a crowd in Tehran mosque. Forgan, an extreme fundamentalist group opposed to the involvement of the clergy in politics, was blamed for the attack. On June 28, the most serious incident at this time took place. Ayatollah Beheshti and 71 other leading politicians, including four cabinet ministers and six deputy ministers were killed in a single bomb explosion in Tehran. A total of 27 parliamentary deputies lost their lives in the blast. The Government and media initially blamed Iraq and the United States, discounting completely the involvement of Bani-Sadr. Two days after the blast, Ayatollah Khomeini accused the Mojahedeen of perpetrating the attack, paving the way for a ruthless campaign against the movement. Excerpted from *Keesing's*, vol.xxviii, 1982, p.31505.

had been assassinated earlier that year. Turnout at the polls was as high as 63%.

Prime Minister Muhammad Ali Rajai was elected<sup>123</sup> as president, and he designated Muhammad Javad Bahonar as Prime Minister. Less than two months after the new elections on August 30, 1981, at the conclusion of a secret meeting of national security officers at the premiers' office, both the above men were assassinated by a bomb.<sup>124</sup> Two hundred government officials had been killed since the departure of Bani-Sadr in June. This unleashed fresh reprisals, and for the third time in two months Khomeini and his trusted circle had to pick new leaders. The voter turnout was as high as 80% and the man they chose was Ali Khamenei a former student of Khomeini.<sup>125</sup>

Iran's external policy during this period was concentrated upon gaining the upper hand in the war with Iraq. Turning the tide of battle by using what have commonly come to be known in military terms as "human wave attacks" and code-naming operations dating back to the time of the Prophet Muhammad, Iranian military planners made up for their lack of equipment and war planes.

The sense of confidence brought about by the survival of the revolution against considerable odds and by the victories on the battlefield led the Islamic regime to develop new relationships on the international level.<sup>126</sup> Although most of these relationships were entered into by Iran to alleviate its severe liquidity problems, it nevertheless helped to break out of the state of diplomatic isolation. Iran's Minister of Industry, on a visit to Turkey in January 1982, signed a new economic and commercial protocol, which provided for the exchange of Iranian oil for Turk-

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<sup>123</sup> *Ibid.*, p.31507. On July 26, 1981 the state radio announced that about 14,700,000 votes had been counted (representing some 63% of the electorate), of which Rajai received approximately 91.0% of the vote, and the other three contenders the rest.

<sup>124</sup> Both President and Prime Minister died as a result of serious injuries inflicted by an incendiary bomb. *Ibid.*, p.31509.

<sup>125</sup> A day after the August 30 assassination, Khomeini stated that the preceding events would not alter the course of the revolution. Following the death of Rajai and Bahonar, a provisional two-man presidential council was set up comprising Hojatolislam Rafsanjani and Ayatollah Ardabili. Hojatolislam Ali Khamenei was the first cleric to be elected to the presidency, and received 16,007,972 votes. *Ibid.*, p.31510.

<sup>126</sup> The Iranian permanent representative to the United Nations, Saed Rajai Khorasani, commenting on a similar situation at a much later date, stated that the world community seemed to have lost hope in Saddam following Iran's victories, and as a result, the international media were now trying to strengthen the relations of their countries with Iran, *Kayhan International*, March 6, 1986.

ish foodstuffs, wood, textile products and electrical equipment.<sup>127</sup> Iran's relationship with the Soviet Union and Eastern Europe also improved considerably. Apart from trade rights which reached a record level of 1.1 billion US dollars in 1981 between Iran and the Soviet Union, the Iranian Energy Minister announced in February 1982 that he had signed an economic agreement with the Soviet Union for the completion of two gas-powered electricity plants in Ahwaz and Isfahan. Towards the end of 1981, Iran and Rumania signed a protocol totalling over one billion US dollars in value.<sup>128</sup>

By spring 1983, the Iranian economy showed definite signs of recovery, and foreign exchange reserves which had fallen in the latter part of 1981 stabilised. In the same period, oil revenues increased and inflation was cut almost by half. Iran continued to seek outside assistance to complete a petrochemical plant in south Iran, and entered into new and improved agreements with countries like Brazil.<sup>129</sup>

Iran's relations with its neighbours in the Persian Gulf region, however remained unsatisfactory. Iranian unhappiness with the newly formed Gulf Co-operation Council<sup>130</sup> was not new. In May 1982 Ayatollah Khomeini warned the members of the Council that, if continuing assistance was given to Saddam Hossein, the Islamic regime might become obliged to treat them "according to divine law."<sup>131</sup> During this period Iran also established and maintained relations with a number of African and Asian countries. Among the former, it resumed its ties with Kenya and established new ties with Ghana and Mozambique. In the Asian arena, it maintained cordial relationships with both Pakistan and India.

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<sup>127</sup> *Keesing's*, vol.xxviii, *op.cit.*, p.31800-01. Despite closer trading links between the two countries, tension persisted over the suggestion that Iranian dissidents were operating from bases inside Turkey. Turkish officials, including the Prime Minister and Foreign Minister, vehemently denied this accusation.

<sup>128</sup> *Ibid.* p.31800.

<sup>129</sup> *Keesing's*, vol.xxix, 1983, p.32100. Foreign exchange reserves, which had fallen as low as the equivalent of US\$ 3,000 million in September 1981, had recovered to a level of approximately US\$ 15,000 million by November 1982. Oil revenues rose to an estimated US\$ 2,000 million per month, equivalent to an output of about 2 million barrels a day. Iran's foreign debts which at the time of the revolution in 1979 stood at US\$ 15 billion, had been reduced by the end of 1982 to about US\$ 2 billion. The annual rate of inflation had fallen over the same period from 30% to 16%. The Iranian government also continued talks with a Japanese consortium on the completion of a petrochemical plant in Bandar Khomeini (formerly the port of Bandar Abbas).

<sup>130</sup> The members of the Gulf Co-operation Council were Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

<sup>131</sup> *Keesing's*, *op.cit.*, vol.xxviii, p.31852.

In summation of this section it may be said that the domestic determinants of all three phases of Iran's revolutionary foreign policy reflect the influence of ideology on foreign policy, and beg the question whether this meant a more militant foreign policy in general, coupled with a particularly hostile attitude towards the West?

### **Conclusion: The Nature of Iran's Revolutionary Foreign Policy**

The nature of Iran's revolutionary foreign policy is made easier to understand if the writings of Ayatollah Khomeini on Islamic Government are taken as a backdrop. Probably the best known of Imam Khomeini's works, the book is a collection of lectures given by Khomeini at Najaf in Iraq between January 21 and February 8, 1970.<sup>132</sup> The following points give some idea as to where and how policy – whether domestic or foreign – originated.

- (i) All political power should be subordinate to Islamic goals, precepts and criteria.
- (ii) It is the solemn duty of religious scholars to assume the political mantle. (The concept of Vilayat-e-Faqih described earlier on in this chapter).
- (iii) The faqih should be recognised as necessary and self-evident.
- (iv) The faqih should design the programme for the establishment of the Islamic government.

The above, taken together with the conviction that (i) imperialists have no religious belief, whether Christian or Islamic, and that (ii) Islam is the religion of militant individuals who are committed to truth and justice and are in continual struggle against the imperialist yoke, give rise to what some authors have described as an orientation of contemporary Muslim thought that "seems to derive its main justification from the concept of Islam being belief and law (aqida wa shariah), religion and state (din wa dawla), and a system of values for spiritual and temporal affairs (din wa dunya)."<sup>133</sup>

Following from the above Islam-centric view, the contemporary international system and its

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<sup>132</sup> See, *Islam and Revolution, op.cit.*, especially Chapter I on Islamic Government.

<sup>133</sup> Ali Merad, "The ideologisation of Islam in the Contemporary Muslim World" in Alexander S. Cudsi and Ali E. Hilal Dessouki (eds), *Islam and Power*, Baltimore, Johns Hopkins University Press, 1981, p.8.

institutions were regarded as suspect. The United Nations, epitomised by the politics of the Security Council and the existence of the veto, was considered as an instrument of American foreign policy and rejected.<sup>134</sup> The hostage crisis may be considered as a prime example, where Iran flouted international law on the grounds that it saw the ensuing struggle between itself and the United States as a war between Islam and blasphemy. At one stage, Foreign Minister Velayati said that his country would reconsider relations with countries which had voted against Iran on the issue of Human Rights adding that those countries were not in favour of Human Rights, but only intent on exerting political pressure on Iran.<sup>135</sup>

The nature of Islamic Iran's foreign policy as preceding sections demonstrate was one which continued to emerge from a highly centralised government that allowed its citizens minimal influence in deciding on policies that affected them directly. However, the revolution itself replaced the spiritual core which had been lost during the monarchy, and this in turn saw the exit of materialism as the main motor behind the formulation of policy. The example set by Ayatollah Khomeini, whose frugal approach to daily living and constant urging that hardship was the road to piety and a test of faith, became the underlying standard for general conduct in matters of personal life and state. Members of society who chose not to make this a way of life believed that this was a way of subordinating society to the will of the mullahs (who they believed led licentious lives), on the one hand; while on the other, they believed that it formed part of a grand conspiracy on the part of the United States who, in collusion with the government, preferred that the true potential of the Iranian people should not be realised.<sup>136</sup>

Myths like these are what fuelled a national consensus that America is in one way or another the "Great Satan" and, more selectively, that the world is divided into those who follow the "path of God and belief" and those who follow the "path of Satan and disbelief".<sup>137</sup>

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<sup>134</sup> Commenting on a United Nations resolution condemning Iran as a violator of human rights, Prime Minister Mir Hossein Musavi stated that the resolution was a "US plot and we view the UN vote as a pat on Saddam's shoulder for his fight against our nation", *Kayhan International*, December 15, 1985.

<sup>135</sup> *Ibid.*

<sup>136</sup> The above was the belief of those Iranian citizens who while not supporting the Islamic regime, had no wish to allow their country to come under American influence. Most of these citizens were highly nationalistic and believed that Iran could be among the most developed nations in the world if only allowed to develop without being dictated to. Discussions in Tehran, October 1990.

<sup>137</sup> Quoted in *Iran and the World: Continuity in a Revolutionary Decade*, *op.cit.* p.37.

This polarised vision of the world includes the more universal revolutionary belief utilised by Ayatollah Khomeini, namely that further divisions exist between those countries and peoples who have the power to dominate and oppress others, namely the "Mustakbarin" and those who lack power and are subject to oppression, namely the "Mostazafin".<sup>138</sup> In addition there is widespread belief in Iran and among revolutionary Muslims that there is an ongoing global conspiracy led by the West to plunder their wealth and weaken Islam in the process.

It can be assumed from the above that the political psychology of those committed to the revolution and the direction it had taken were in no doubt that their faith was the only means of resisting outside forces, which were continually trying to defeat their real purpose. Iranian officials have described their chosen path as a "River of no return".<sup>139</sup> This approach to international politics went against an "extremely powerful and pervasive American belief system about the nature of foreign policy, how is it conducted and how it affects American life. This belief system is troublesome because of the hold it has in shaping political strategy and defining "normalcy" in foreign affairs, even when it falls far from the mark in reflecting reality." One analyst concludes by stating that "At best foreign policy and military strategy based on this system of belief is ineffective. At worst it is detrimental to American interests."<sup>140</sup>

Other authors have pointed out that American labels "liberal and conservative, fanatic and moderate - are ill-chosen for Iranian politics ... A conservative or economic policy may be a radical on social standards and ambivalent on foreign policy;" adding that, "The American view is contorted by emotions over Iran's revolutionary excesses and continuing confrontations. Toward the United States, Iran displays equal or greater ignorance, conceptual difficulties, and emotional obstacles."<sup>141</sup>

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<sup>138</sup> The concept of "Mostazafin" is widely used to mobilise the many million Iranians, especially those from the rural areas who had hitherto lived a life of deprivation. There is even an organisation called "Bonyad-e-Mostazafin" or "Foundation for the Oppressed" which helps people who in their view, fall into this category. It may be said that, notwithstanding certain cases of corruption, the foundation is one of the most successful of the revolutionary institutions in Iran.

<sup>139</sup> Phrase used by an Iranian diplomat to the United Nations in discussions with author.

<sup>140</sup> William O. Beeman, "Double Demons: Cultural Independence in US-Iranian Understanding" in *The Iranian Journal of International Affairs*, vol.II, nos.2&3, Summer and Fall, 1990, p.320. The author also describes the belief system in which Iranian foreign policy operates, akin to what has already been discussed in preceding sections.

<sup>141</sup> Henry Precht, "Ayatollah Realpolitik", in *Foreign Policy*, no.70, Spring 1988, p.109.

As stated before in this chapter there is a belief that under the ideological garb of revolutionary Iran's foreign policy lie the same geopolitical considerations which guided the Shah's foreign policy, albeit against an altered regional and global vista. Authors like Efraim Karsh differentiate between pre- and post-revolutionary Iran's quest for supremacy in the Persian Gulf region as between one which was restricted to political/military method during the Shah's time and one which made use of militant Islam in the period after that. Karsh himself said that, unlike the post-revolutionary situation, the Gulf states secretly endorsed Iran's role of policeman of the region, seeking "a free ride from Iran's power."<sup>142</sup>

In the post revolutionary scenario, the single-mindedness with which Iran's leaders sought to revolutionise the Moslem people of the Persian Gulf region came to characterise a new phase in international politics, that of resurgent Islam. Muslim countries which had a resident Shi'a population were almost immediately affected. Iraq, which actually has a majority of Shi'as, was soon feeling the wrath of militant Islam. The attempted assassination attempt on the life of foreign minister Tariq Aziz and Saddam Hossein's crackdown on the Shi'a opposition were crucial factors which led to the outbreak of the full-scale war.<sup>143</sup>

Lebanon, which like Iraq was linked to Iran by religion and an interconnected clerical network, was also a target. With the last vestiges of a confessional state in shambles, it provided Iranian militants with an opportunity to liberate their brethren who hitherto were the least emancipated among all the religious and ethnic groupings in the region. The large Western presence in the state was an added incentive for the newly-trained Lebanese groups who were out to prove their revolutionary credentials. Kidnapping and hostage-taking by the Hezbollah and Amal, both having their organisational and ideological roots in Iran, opened a new chapter in international relations and transformed the politics of the region. Towards truly revolutionising the Lebanon, Tehran has invested heavily in men (Revolutionary Guards), materials (arms and logistics) and

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<sup>142</sup> "From Ideological Zeal to Geopolitical Realism: The Islamic Republic and the Gulf", *op.cit.*, p.28. The author here is referring to the situation when, although the Gulf states condemned Iranian "intervention in Oman, yet they were secretly relieved at Iran's assistance; to the sultanate which was under threat from the Dhofar rebels.

<sup>143</sup> See Chapter Seven on the events that led up to the outbreak of full-scale hostilities.



funds. Lastly, the geographical proximity to Israel provided these fighters in the Lebanon with the holiest objective of all - the liberation of Jerusalem.<sup>144</sup>

Among the other Muslim countries in the region, Saudi Arabia was considered during the Haj pilgrimage as the ideal place to show up the incompatibility of being a true Muslim and yet following in the path of the Western countries; as Khomeini accused the Saud family, guardians of the holiest place in Islam, of doing. The active politicisation of the Haj by Iranian pilgrims resulted in the death of many of them at the hands of the Saudi forces in August 1987.<sup>145</sup> Political activism in other countries in the region, which has been discussed earlier in this chapter under the heading of "export of the revolution", largely lost momentum before the mid-1980s.

Another departure from pre-revolutionary Iran's stance in international politics has been the overall attitude to the West, particularly the United States of America. In almost every speech of an official or statement from the Foreign Ministry, condemnation of the West, especially the United States, has been a permanent feature. The Foreign Minister in most of his speeches in public or conferences has gone to great lengths to show how the nexus between American imperialism and zionism conspires to destroy Islam.<sup>146</sup>

In conclusion it may be argued that revolutionary Iran faced some of the most powerful states in a modern nuclear world and given the circumstances it found itself to be in, imposed its dictate for what seems to be specific short-term goals, such as achieving the reputation of a defiant middle power finally shrugging off the yoke of centuries of foreign interference and domination.

The next chapter will examine revolutionary Iran's stance on various issues which may be considered as complementary but not crucial to her foreign policy. In addition, a brief study will

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<sup>144</sup> By designating the last Friday in the Muslim holy month of Ramadan as the Day of Qods (Jerusalem), the then Minister of Foreign Affairs Mir Hossein Musavi stated "we want our foreign policy to have an unshakable connection with the struggle against Zionism in the region. This will be considered the main pivot of our political movements". *Kayhan International*, July 9, 1981.

<sup>145</sup> In all 407 people were killed, a majority of them being Iranian.

<sup>146</sup> While addressing a ministerial meeting of the Islamic Conference Organisation, Iranian Foreign Minister Velayati demanded Pan-Islamic sanctions, including an oil embargo against the US for aiding Israel in the invasion of Lebanon in 1982. *Kayhan International*, no date.

be made of her membership and status in the main political organs of the UN from 1979 to 1989, concluding with a report which suggests a lack of participation by Iranian delegates at the United Nations decision-making level in the post-revolutionary period.

## Chapter V

### Iran at the United Nations: Survey of Post-Revolutionary Foreign Policy Issues

#### Introduction

It is safe to assume that, in the aftermath of the dismissal of the Pahlavi regime, Iran once again felt the insecurity of a small non-Western state, vulnerable to the strategies of the great imperial policies and consequently exposed to superpower competition. Iran's discomfort at being squeezed between the expansionist powers of the Soviet Union in the North and the American presence in the Persian Gulf region is amply reflected in the study of its diplomacy and its policies in the United Nations.

Although spared a colonial history Iran inherited some of the problems of post-colonial countries; being under the yoke of monarchy, suffering from under-development and uneven development, and lacking popular participation in domestic politics were of particular importance. However, of the role this country played (and continues to play) in the region had special historical significance. Iran was not only an original member of the League of Nations; it was the only Middle Eastern state in that organisation until 1932. This and subsequent experience in international organisations, tempered Iranian behaviour in the UN up to the upheavals of 1979.

In post-Shah Iran, the much-nurtured art of international relations and diplomacy, which had hitherto displayed a sense of pragmatism, gave way to a diplomacy which was based more on doctrine. The revolutionary state adopted a much more strident and emotional tone towards issues which were strategically and ideologically important to it. Having decided to demote its relationship with countries like the United Kingdom, opt out of previously formed security alliances like CENTO and severely jeopardise its relationship with the United States, Iran became an unpredictable force in international relations. The Islamic factor which has come to symbolise Iran's domestic and foreign policies has introduced a new, non-secular approach to world politics,

as earlier chapters of this thesis have attempted to show.

This chapter will set out to describe Iran's position on issues which have not merited separate treatment elsewhere, such as human rights, the Iran-Iraq war and disarmament. Section One will examine certain factors which influenced Iran's foreign policy attitude towards the United Nations. Section Two will describe the various standing and special committees of the United Nations General Assembly, in particular those to which Iran was elected. Section Three will, using General Assembly and affiliated committee debates, examine issues which have constantly engaged the attention of the United Nations and have also been of importance to Iran's foreign policy. This study will demonstrate the relationship between Iran's ideological stance on foreign policy issues (characterised by the heavy use of rhetoric) and the broader changes that have taken place in the international and regional political systems. Section Four will look at the membership of Iran in the various agencies of the United Nations, with particular reference to a brief study undertaken by a former Iranian diplomat on the question of discrimination against Iranian nationals in the world organisation.

## **I. Iran's Foreign Policy Attitudes and the United Nations**

Iran's foreign policy attitude to the United Nations has its roots in its historical experience in the international organisation. Being a small and weak country, used as a pawn by the great powers in global politics, Iran started off by putting great faith in the United Nations in order to protect its interests. But as the nascent world body grew to reflect the realities of global power politics, Iran like other small states approached the United Nations with greater realism. This meant that, like all other powers (large and small), Iran applied the principles enshrined in the Charter of the United Nations selectively and used the world body whenever expedient.<sup>1</sup> This resulted in the United Nations becoming a mere tool for furthering the policies of member states and therefore an easy target of criticism. Hence, long before the advent of the Islamic revolution

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<sup>1</sup> As discussed elsewhere in this thesis, Iran's experience at the UN ranged from using the world body to rid its territory of Soviet troops in 1946, to being unable to vindicate its claims against Britain over the dispute arising from the nationalisation of the Anglo-Persian Oil Company.

in Iran, the United Nations had been considerably weakened by the rift which had appeared between the big powers. This was especially true in the West, which complained about the so-called tyranny of the Third World States who were in the majority in the General Assembly. But the latter group of countries in turn complained of the domination, in the Security Council, by the Big Five and their power of veto. Nevertheless, in the pre-revolutionary period, given the Shah's outward-looking foreign policy, Iran made efforts to show that the principles of the UN Charter comprised an important part of the framework for its foreign policy.<sup>2</sup>

Iran's attitude to the United Nations in the post-Shah period ranged from outright rejection of the international body to accommodation with it, brought about by political necessity. Revolutionary policy makers in Tehran viewed the world body as part of an international order which they rejected on grounds that it was dominated by the "arrogant powers". The functioning and veto power of the permanent members of the Security Council were Iran's major criticism of the United Nations. In this context, Iran felt that by accepting the balance of power (cynically referred to as the "balance of terror" by Iran's policy-makers) in place of the rule of law as the governing factor in international security, the UN had set a dangerous precedent and compromised the security of small and weak states. Following the failure of the Security Council to condemn Iraq's aggression on Iranian territory and subsequent resolutions which tended to support Iraq, policy makers in Tehran were in no doubt that the United Nations was just another organisation geared to promote the interests of the big powers. However, given the changing patterns in Iran's domestic policies a much more positive attitude towards the United Nations was now emerging. This was first noticeable when, following intense internal debate, the active political strata convinced Khomeini to use the good offices of the United Nations Secretary-General to help facilitate an honourable peace with Iraq. This resulted in the adoption of Security Council Resolution 598 which brought to an end one of the most destructive wars of this century. Subsequently, Iran took the unprecedented step of inviting the Special Representative appointed by the United Nations Commission on Human Rights to visit the country in 1989. His visits have now

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<sup>2</sup> See Chapter Three of this thesis.

become an annual feature, and the co-operation extended by the Iranian government towards the fulfillment of his mandate have rid Iran of much of the stigma of being one of the worst violators of human rights in the world.<sup>3</sup>

Another aspect of Iran's foreign policy at the United Nations is its commitment to Third World issues. Third worldism in Iran's foreign policy is based on its wider world view of the international political system as being divided into two camps: that of the oppressed and that of the oppressor. Iran sees itself at the cutting edge which separates those two camps, and Foreign Minister Velayati declared that his country would be "always an enemy of the oppressor and always a friend of the oppressed."<sup>4</sup> In relating the above to the world economic system, Velayati stated that market price control mechanisms and inescapable economic conditions continued to deepen the gap between the poor and the rich. Coupled with the proliferation of arms into the Third World, this only served to heighten global tensions. Addressing the question of the role of international organisations in all this, the Iranian delegation felt that the United Nations "cannot protect the Third World through the establishment of a new economic order, unless these efforts are coupled with parallel efforts to decrease the arms race." Calling for increased solidarity among countries forming the Third World, Velayati felt that progress could only be achieved by "the united synchronised attempts of all developing and non-aligned countries against obstacles created by the superpowers".<sup>5</sup> Although Iran has advocated reform of the international body, there have been no serious proposals received in this context. At the plenary sessions of the political forums of the UN, Iran mainly engaged in using powerful rhetoric -- especially to condemn the glaring inconsistencies of an unequal world.

Despite Iran's disillusionment, it did not withdraw from the world body; on the contrary it used the organisation to attack the prevailing international order, advocating justice based on

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<sup>3</sup> In behind the scenes diplomacy during the convening of the 1992 Commission for Human Rights, certain Western countries are reported to have put pressure on the members of the Commission to bring to an end the mandate of the Special Representative on the Human Rights situation in Iran. Their main argument was that the situation concerning human rights had improved in Iran. It was also learnt that the United States along with other Western States vehemently opposed this suggestion. *Interview with a member of the Secretariat of the Commission for Human Rights, March 1992.*

<sup>4</sup> *United Nations General Assembly Provisional Verbatim Records* (Henceforth to be cited as *UNPVR*), A/39/Pv.15.

<sup>5</sup> *UNPVR*, A/40/Pv.20.

Islamic principles to govern relations among nations. The United Nations was also useful in forging new relations with a number of countries in an atmosphere where ideological differences often took second place to pressing issues affecting parts or the whole of the international community.

## **II. Iran's Participation in the Work of the United Nations**

This section will present the various standing, special and ad hoc committees of the United Nations in which Iran has served as a member, and will refer to some relevant proceedings of those bodies.<sup>6</sup>

### **II.1 The International Court of Justice**

In the post-Shah period Iran has not been represented in the International Court of Justice, the principal judicial organ of the United Nations. However, it has had its representatives in the Permanent Court of Arbitration,<sup>7</sup> which is an institution to facilitate recourse to arbitration in cases of international dispute. Although candidates for membership to the International Court of Justice are nominated by the "national groups" in the Permanent Court of Arbitration, the final selection takes place after the Secretary-General of the United Nations draws up a list of candidates from which the General Assembly and Security Council, voting separately, make their respective choices. It may be noted that an absolute majority in both the assembly and the council are a prerequisite for election. The members of the Court are elected for nine years and may be re-elected; the terms of one-third or five of the judges expire every three years.

In this context it is necessary to mention that, pursuant to article 47 of the Hague Convention for the pacific settlement of international disputes of 1907, the International Bureau of the Court had in 1981 put its offices and organisation at the disposal of the International Arbitral Tribunal, constituted by the governments of the Islamic Republic of Iran and the United States of

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<sup>6</sup> *UN Handbook*, New Zealand Ministry of Foreign Affairs, Wellington, New Zealand, 1989.

<sup>7</sup> See *Rapport du Conseil Administratif de la Cour Permanente D'Arbitrage*, La Haye -- Bureau International de la Cour Permanente D'Arbitrage, 1981, through to 1989.

America, and commonly known as the Iran-United States Claims Tribunal.<sup>8</sup> The Tribunal was set up to settle claims which were not covered by assets worth \$11,100 million, exchanged after the prolonged negotiations which saw the release of hostages from the US embassy in January 1981.

## **II.2 Non-Permanent Member of the Security Council**

After the period between 1955 and 1956, Iran was not elected to the Security Council. In the post-Shah era, given the animosity towards the five permanent members of the Council, Iran was not elected to the supreme political organ of the UN. It may be added that the ten non-permanent members of the Security Council are elected according to the following pattern: five from among African and Asian states; one from Eastern European states; two from Latin American states; two from Western European and other states.

## **II.3 Economic and Social Council (ECOSOC)**

The ECOSOC is charged by its Charter with promoting in the economic and social fields:

- i) higher standards of living, full employment, and conditions of economic and social progress and development;
- ii) solutions of international economic, social, health and related problems, and international cultural and educational co-operation; and
- iii) universal respect for and observance of human rights and fundamental freedoms.

The pattern for the geographical distribution of its 54 seats is as follows: 14 members from African states, 11 members from Asian states, 10 members from Latin American states, 13 members from Western European and other states, 6 members from Eastern European states.

Eighteen members of the council are elected each year. Members serve for three years, their term of office beginning on January 1 and ending on 31 December.

Iran's membership expired in the first year of its revolution and Iran thereafter was not

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<sup>8</sup> See for example Rahmatullah Khan, *The Iran-United States Claims Tribunal: Controversies, Cases and Contribution*, New York, Kluwer Academic Pub., 1990.



elected until the year 1986; its re-election in 1989 will expire at the end of 1992.

#### **II.4 Functional Commissions**

Of the functional commissions set up by the ECOSOC to help co-ordinate the activities of the specialised agencies through consultation and recommendations, Iran was elected to the following:

##### **(i) The Commission for Human Rights**

The Commission for Human Rights was established by ECOSOC Resolution 5(1) of 1946. The Commission was directed to prepare recommendations and reports regarding an international bill of rights, international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters, the protection of minorities, the prevention of discrimination on the basis of sex, race, language or religion and any other matter concerning human rights.

The membership was increased from 18 to 43 and members are elected by the ECOSOC, usually for a term of three years, with the following distribution: 11 from African states; 8 from Latin American states; 9 from Asian states; 10 from Western European and other states; and 5 from Eastern European states.

Iran's membership of the Commission expired in 1980 and thereafter it failed to be re-elected, until as recently as 1991 it was elected to the Commission. Its Ambassador to the United Nations in Geneva was elected as Vice-Chairman at the 1992 session of the Commission.<sup>9</sup>

##### **(ii) Commission on Narcotic Drugs**

The Commission was established by ECOSOC Resolution 9(I) of 1946 to advise the council and prepare draft international agreements on all matters relating to control of narcotic drugs.

The original 15-member commission was progressively increased to 40 and members are

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<sup>9</sup> The author was able to attend the preparatory meetings of the Commission in Geneva as a visitor during this period.

elected from among the member states of the UN and members of the specialised agencies and the parties to the Single Convention on Narcotic Drugs, 1961; this with due regard to the adequate representation of countries which are important producers of opium or coca leaves, of countries which are important in the field of the manufacture of narcotic drugs, and of countries where drug addiction or the illicit traffic in narcotic drugs constitutes an important problem, also taking into account the principle of equitable geographical distribution. The term of office was lengthened from three to four years, effective from 1968. Twenty new members are elected every other year.

Iran, fulfilling all the above mentioned-criteria, has been a member of the Commission for most of the post-Shah period, but its membership not been renewed since 1987.

## **II.5 Standing Committees and Expert Bodies**

Of the Standing Committees and Expert Bodies of the ECOSOC, Iran has been a member of the following:

### **(i) Committee on Natural Resources**

By ECOSOC resolution 1535 (XLIX) of 1970, this committee was established to replace the former ad hoc committee on the survey programme for the development of natural resources. Its principal functions include assistance to the ECOSOC in the planning, implementation and co-ordination of activities in the UN system for the development of natural resources; the selection and follow-up of priority questions of long-term problems and trends of world-wide significance in the field of natural resources; information exchange and the production of recommendations to governments and bodies such as the United Nations Development Programme on appropriate priorities and programme emphasis and other relevant matters concerning the exploration and exploitation of natural resources.

The committee meets and reports to the ECOSOC at least every two years. The membership has been increased from 27 to 58 members, who are elected on the following basis: 14 from African states; 11 from Asian states; 10 from Latin American states; 13 from Western European

and other states; and 6 from Eastern European states. The term of office is four years. Iran's membership ended in 1982, after which it has not been re-elected.

## **(ii) Commission on Transnational Corporations**

The commission was established by ECOSOC in 1974 by resolution 1913 (L VII), on the recommendation of a special inter-sessional committee which had considered a report by the Group of Eminent Persons to study the impact of Transnational Corporations on development and on international relations. Its functions are to act as a forum within the UN system for the comprehensive and indepth consideration of issues relating to transnational corporations and to provide recommendations as a basis for evolving a code of conduct dealing with transnational corporations.

The committee meets annually and submits a report to the ECOSOC. The commission comprises 48 members elected by the ECOSOC on the following basis: 12 members from African states; 11 from the Asian states; 10 from Latin American states; 5 from Eastern Europe; and 10 from Western Europe and other states. Elected states are to consult the president of the council before appointing their experts, so as to ensure a balanced representation reflecting the various fields of activities covered by the commission. Members are appointed for three years terms and are eligible for re-election. Iran has been a member for most of the post-Shah period, except for a brief gap of two years (1985 and 1986). Its membership lapsed in the year 1989.

## **II.6 The General Assembly**

Iran was automatically represented on each of the seven main Committees of the General Assembly i.e. First Committee -- Political and Security; Special Political Committee -- Political questions not discussed by the First Committee; Second Committee -- Economic and Financial; Third Committee -- Social, Humanitarian and Cultural; Fourth Committee -- Trusteeship (including non-self governing territories); Fifth committee -- Administrative and Budgetry; Sixth Committee -- Legal.

Apart from these, Iran was represented on certain subsidiary and ad hoc bodies. These were:

#### **II.7 Special Committee on the Implementation of the Declaration on Decolonisation**

By resolution 1654 (XVI) of 27 November 1961, the General Assembly decided to establish a special committee of 17 members to examine the application of the Declaration on the Granting of Independence to Colonial Countries and peoples (resolution 1514 (XV) of 14 December 1969), and to make suggestions and recommendations on the progress and extent of the implementation of the declaration. In 1962 the membership of the Special Committee was enlarged to 24. The Committee has two sub-committees. The sub-committee on Small Territories examines information submitted on specific territories in the Pacific and Caribbean regions. The sub-committee on Petitions, Information and Assistance deals with a wide range of questions including consultation with the specialised agencies of the United Nations and other organisations on the implementation of resolution 1514 (XV). Iran has served continuously on the Committee since 1979.

#### **II.8 Ad Hoc Committee on International Terrorism**

On 18 December 1972 the General Assembly adopted resolution 3034 (XXVII) entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardises fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes." Pursuant to this resolution, the General Assembly established an Ad Hoc Committee consisting of 35 members, of whom Iran was an original member.

The Committee submitted their observations on the issue to the Secretary-General for inclusion in an analytical study. This study included a description of the member states' observations, a summary of the main problems of terrorism, the international instruments already developed to deal with it and suggestions for the ad hoc Committee's work. The Committee was not able to agree on many aspects of the problem so, to help resolve these differences, three sub-committees were formed -- to define terrorism, to study the underlying causes, and to propose methods to

prevent terrorism. The work of the sub-committees was also riven with disagreement. The committee met three times -- in 1973, 1977, and 1979 -- following which discussions on the issue have been postponed from session to session, resulting in no work done on the issue to date.<sup>10</sup>

## **II.9 Special Committee on the Charter of the United Nations on the Strengthening of the Role of the Organisation**

By resolution 3499 (XXX) of 15 December 1975, the General Assembly decided to reconvene the ad hoc Committee on the Charter of the United Nations as the Special Committee on the Charter of the United Nations and on the strengthening of the Role of the Organisation. The tasks entrusted to the Committee were as follows:

- (i) to examine in detail the observations received from governments concerning:
  - suggestions and proposals regarding the Charter of the United Nations and
  - the strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between states;
- (ii) to consider any additional, specific proposals that governments may make with a view to enhancing the ability of the United Nations to achieve its purposes; and
- (iii) to list the proposals which have been made in the Committee and to identify those which have awakened special interest.

Iran remains among the 47 members of the Special Committee, appointed by the President of the General Assembly. Some of the sessions of the special committee need special mention. In 1980 the Special Committee held its 5th session in Manila where it continued its work on the question of the peaceful settlement of disputes with a view to developing and recommending means of bringing the work to an appropriate conclusion. The Manila Declaration on the peaceful

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<sup>10</sup> *United Nations Yearbook*, New York, United Nations, see years 1972, 1977, 1979, for resolutions adopted by the General Assembly on the issue of International Terrorism. Also see Table Eight at the end of this chapter.

settlement of disputes was finalised and submitted to the General Assembly and adopted in Resolution 37/10 of 1982. The special committee's mandate has been renewed in successive years and most recently in resolution 41/83 of 1986.<sup>11</sup>

## **II.10 Ad Hoc Committee on the Indian Ocean**

The Committee was established, pursuant to Assembly Resolution 2992 (XXVII) of 1972, to study the implications of the Declaration of the Indian Ocean as a zone of peace. Iran was an original member of the Committee, whose membership has progressively increased from 15 to 48.

After the committee met in New York in 1979, it was decided to undertake preparatory work for the convening of a conference to be held at Colombo, Sri Lanka. Efforts at reaching a consensus on when the conference should be held have not, however, been successful. The General Assembly requested the Ad Hoc Committee to complete its preparatory work so as to enable the conference to be convened not later than 1988. Beset by the lack of consensus, the final date was further postponed to 1990.<sup>12</sup>

Iran's participation in facilitating the work of the United Nations demonstrates its commitment to contributing to international relations and upkeeping the mandates of the UN Charter. In the ultimate analysis Iran, in spite of its posture in questioning certain aspects of the functioning of the UN, especially the privileges of the superpowers and the cause of the unequals among the equals, has made positive inputs when it has been given the opportunity to fulfill the resolutions of the world body.

## **III. Issues of International Importance with Relevance to Iran's Foreign Policy**

This section will address some selected issues which have been in constant view of the international community, have special relevance to Iran's foreign policy, and call for UN inter-

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<sup>11</sup> See Table Two and relevant examination of the issue of the peaceful settlement of disputes in the context of Iran's foreign policy in Section 3.1 of this chapter.

<sup>12</sup> *Op.cit.*

ventions.

The issues of international significance mentioned in the tables (at the end of this chapter) were all regularly (i.e. 1979-89) discussed at the UN. General Assembly decisions and resolutions were made regarding appropriate actions to be taken. The resolutions also reflect the uncompromising attitude of member states to certain problems which continue to plague the international community. In this respect, as the overall position of votes indicates, the Third World states have been largely responsible for keeping the issues alive on the agenda of the United Nations. The nature and dimensions of the issues presented reflect divisions in the world organisation, and also indicate the different interests and concerns of groups within the world organisation, and the varied changes in the composition and nature of the responses to flux in the international system. However, the fact that the United Nations has been able to absorb these changes without any radical structural or functional transformation thus far, is a good indicator of its inherent flexibility and of its founders' vision in drawing up its charter.

Third Worldism in Iran's foreign policy was not initiated during the post-Shah period. In Chapter three Iran's regular participation in Third World issues during the Pahlavi regime has been pointed out. However, non-alignment versus alignment as an instrument of foreign policy fallen into disuse after the dismissal of Mossadegh's nationalist government in 1953 was re-introduced by the Islamic government in Iran. As mentioned in section one of this chapter, Iran's Third World stance and its adherence to non-alignment in the post-Shah period were based on Khomeini's world view, which rejects the contemporary international system as being dominated by the "arrogant powers". This led to the emergence of a more militant foreign policy than what existed in the past.

As this section proceeds with presenting Iran's position on the issues discussed in the General Assembly, some inconsistencies will become apparent. These inconsistencies may be attributed to certain developments which followed the establishment of a revolutionary state. Professor R.K. Ramazani, in analysing the inconsistency in Iran's overall foreign policy stance (which also may be applied to its participation in the UN), has proposed that "the vagueness of the ideo-

logical precepts and the lack of political cohesion, as well as the determination of revolutionary leaders to make a clean break with the foreign policy of the Shah" ... caused two problems: "the official-unofficial division in the foreign policy-making process; and the decimation of both skilled diplomats and the organisational structure of the Ministry of Foreign Affairs."<sup>13</sup> So it is appropriate here to examine Iran's position on selected issues of significance to Iran's foreign policy as discussed in the United Nations General Assembly, such as international peace and security, the Middle East question and the question of Palestine, the occupation of Lebanon, and international subversion and terrorism.

### **III.1 International Peace and Security**

In the matter of maintaining and promoting peace and security, Iran's position was akin to that of the non-aligned group in the General Assembly.<sup>14</sup> While subscribing to the principle of "neither East nor West" and speaking out against the misuse of the UN system through being directed by one bloc against the other, Iran was sceptical about the scope of applying the provisions of the Charter. Citing its own experience, the Iranian delegate while addressing the First Committee of the General Assembly stated that his country's decision to end its role as "enforcer of dictated peace in the Persian Gulf region" -- by opting out of the Central Treaty Organisation (CENTO) and cancelling orders for sophisticated armaments that the previous regime had placed with Western manufacturers -- would contribute towards "abolishing one of the causes of the regional arms race" and as a result would reduce overall tension. But this was not to be. Iran's move towards demilitarisation was taken as a sign of weakness and was exploited by others in the region. The delegate concluded by saying that this left his country with little choice and that there "was no way out except armed struggle."<sup>15</sup>

Following the outbreak of full-scale hostilities between Iran and Iraq, the failure of the

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<sup>13</sup> R.K. Ramazani "Khumayni's Islam in Iran's Foreign Policy" in *Islam and Foreign Policy*, (ed.), Adeed Dawisha, Cambridge University Press, London, 1985, p.29.

<sup>14</sup> This is made apparent from the nature of and the overall voting pattern on resolutions regarding the question of International Security. See Table One at the end of this chapter.

<sup>15</sup> UNPVR, A/C.1/35/Pv.52. Document pertaining to the *First Committee of the United Nations General Assembly*.



Security Council to condemn Iraq's aggression and the failure of the international community to resolve the crisis were appalling lapses. Iran's delegate to the sixth committee stated that although the peaceful settlement of disputes was one of the cornerstones of the foundation of international relations (as reaffirmed in Article 33 of the UN Charter), states tended increasingly to resort to force to settle their disputes. In referring to the aggression committed towards her country, the Iranian spokeswoman felt that the Organisation had not acted adequately to preserve the principle of settling disputes peacefully.<sup>16</sup> Although most of the resolutions (see Table Two) dealing with the peaceful settlement of disputes were adopted without a vote in the General Assembly, Iran (as Chapter seven of this thesis demonstrates) voted negatively on resolutions calling for an immediate cease-fire in the war with Iraq as a preliminary step towards a peaceful settlement.<sup>17</sup>

Viewing putting the issue of international peace and security in the wider context of Iran's foreign policy orientation during the post-Shah period, two issues were critically relevant: the Soviet invasion of Afghanistan and the increasing United States naval presence in the Indian Ocean and the Persian Gulf region. Iran's position on the first issue is clear from Table Three, which indicates that it favoured the immediate and total withdrawal of foreign troops from Afghanistan, allowing the Afghan people to determine their own form of government. Iran condemned the Soviet invasion of the "Muslim nation of Afghanistan" and argued, albeit simplistically, that "withdrawal of Soviet forces from Afghanistan [would] not only deprive the United States of its pretext for justifying its presence in the region but [would] also disarm the American puppet regimes of the region ... taking away from them their best demagogic scenario of the danger of communism."

Like other non-aligned nations, Iran had a tendency to lean closer to the anti-imperialist ideals propagated by the Soviet Union. Hence it was not surprising when Foreign Minister Musavi, while addressing the General Assembly in 1981, stated that "if the ... Soviet Union [was]

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<sup>16</sup> UNDoc., A/JC.6/35/SR.42. Document pertaining to the Sixth Committee of the United Nations General Assembly.

<sup>17</sup> For example, see Iran's negative vote on *General Assembly Resolution 37/3*, adopted in 1982.

truly anti-imperialist, it should not deliberately facilitate the expansion of imperialism in the region" by continuing its occupation of Afghanistan.<sup>18</sup> Certain authors state that although Iran had a choice of enlisting Soviet support to balance the Western support for Iraq by remaining indifferent to the situation in Afghanistan this was not possible without damaging its "Islamic credentials" and betraying the Afghan Mujahedin.<sup>19</sup> In this context Foreign Minister Musavi stated that his government felt that only a "popular, Islamic, anti-imperialist government in Afghanistan" could reduce the dangerous tensions brought about by superpower competition in the region.<sup>20</sup>

The second issue, i.e. the growing presence of United States forces in the Indian Ocean and the Persian Gulf region during the post-Shah period can be considered as a reaction to the much-publicised central principle of Iran's foreign policy, viz. to defy and challenge the United States and its interests in the region. This led the United States to incorporate into its strategic thinking ways and means to counter the phenomenon of resurgent Islam so as to demonstrate its failure and irrelevance to other Muslim states in the region. The Iranian leadership therefore, given its framework of reasoning, considered the United States along with Israel (a state which occupied the holy places of Islam and sent its Muslim populace into exile) as the most serious impediments preventing the Iranian revolutionary experience from succeeding. Iran's delegate to the UN stated in this regard that the "conspiracies of American imperialism against the Islamic Republic of Iran and other Moslem nations" were one and the same with the "problem of zionism in the region." The Iranian spokesman added that the strategic co-operation arising from the above nexus, one result of which was the formation of an American multi-national rapid deployment force, affected the overall chances for peace and security in the region. The Iranian spokesman concluded that, because the Persian Gulf region was declared to be of vital interest to the United States and other Western countries, the pursuit of peace had become a virtual impossibility. He stated that one of

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<sup>18</sup> UNPVR, A/36/Pv.26.

<sup>19</sup> *Iran and the World: Continuity in a Revolutionary Decade, op.cit.*, p.86-87. The author asserts that Iran financed and armed eight Shi'a Afghan guerilla groups and played host to between two and three million Afghan refugees in the aftermath of the Soviet occupation.

<sup>20</sup> UNPVR, A/36/Pv.26.

the fundamental principles of his country's foreign policy was to oppose and defy "imperialist logic" and support "the rightful struggles of the oppressed against oppressors throughout the world."<sup>21</sup>

The determination of the United States and her Western allies to contain Iran strategically was not without dilemma. Policy-makers in the United States were not oblivious of the fact that, if they pushed too hard, Iran might enter the Soviet orbit, especially since the congruence between Moscow and Tehran seemed more real than apparent during this period. For example, in 1980 the Byelorussian delegate, in his speech to the General Assembly, stated that in "the Middle-East the strategy of American imperialism [was] quite clear. Its intention [was] to interfere, including by the use of arms, whenever peoples have taken their future into their own hands, wherever foreign oppression and diktat have been eliminated. The right to intervention, to export counter-revolution, is being openly justified by the vital interests of America."<sup>22</sup> Appreciating the potential of revolutionary Islam and its inherent opposition to Western capitalist ideology, the Soviet Union felt it was in its interests to express solidarity with the new regime. It often did this by echoing the beliefs of the Islamists, for example, by stating that part of the tactics of the United States was to set "Moslems against Moslems in order to further imperial interests."<sup>23</sup> The Soviet delegate had identified with one of the prevalent beliefs of the policy-makers in Tehran.

By the summer of 1982 the circumstances began to change; the consolidation of the Islamic government in Iran, the deterioration of Soviet-Iranian relations and the increasing military successes of Iran, caused Iraq to come closer to the Persian Gulf Arab States and show itself accommodating towards the United States. Responding to this situation, Iran was mostly concerned about the prospects of continuing to export its oil and ensure security within her territorial waters. The Iranian Foreign Minister declared that his country was "responsible for the security of the Persian Gulf and the Straits of Hormuz," adding that "if the export of Iranian oil [was] one day halted" his country would take steps to ensure that "no oil [would] be exported from the

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<sup>21</sup> *Ibid.*

<sup>22</sup> UNPVR, A/35/Pv.70.

<sup>23</sup> *Interview with a former Soviet delegate in Geneva, August 1990.*

Persian Gulf."<sup>24</sup>

In the area of maintenance of peace and security further afield, Iran voiced concern about the increased militarisation of the states in the Indian Ocean and the existence of foreign military bases. With a view to de-escalating the tension and denying the competing powers freedom to dictate what Tehran described as "the balance of terror" [power], Foreign Minister Velayati reiterated his country's support for the United Nations resolution declaring the Indian Ocean a zone of peace. During the 37th Session of the General Assembly the Iranian delegation joined with the consensus which adopted as a resolution the Declaration of the Indian Ocean as a zone of peace, albeit with reluctance. The reluctance to participate in the consensus vote stemmed from the fact that "the harmonization of views" called for by a few countries in the first committee had lost its "productive necessity" according to the Iranian delegate; he considered that these very same countries were responsible for the militarisation of the area, had only managed to achieve a consensus by threatening to withdraw if the present status-quo was altered, and therefore had no real interest in de-escalation in the region.<sup>25</sup>

In a similar context one of Iran's delegate, to the Sixth Committee (dealing with the subject of "Practice of the Security Council"), was of the view that the principal cause of the Security Council's failure in the area of maintaining peace lay in its incapacity to act "because of the veto of a permanent member."<sup>26</sup> The above statement, while reflecting Iran's own experiences with the Council, did not diminish what the Secretary-General himself has described as "underlying deficiencies of the present system" for the "maintenance of international peace and security."<sup>27</sup> However, notwithstanding these shortcomings, a large majority of the members of the General Assembly voted for an immediate cease-fire between Iran and Iraq during the 37th session (October 1982).<sup>28</sup> Given the larger political context, which is dealt with separately in Chapter Seven of this thesis, Iran rejected the vote, arguing that any settlement of the dispute without the

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<sup>24</sup> UNPVR, A/37/Pv.27.

<sup>25</sup> UNPVR, A/37/Pv.101.

<sup>26</sup> Interview with Iranian delegate in Geneva, September 1990.

<sup>27</sup> United Nations General Assembly Official Records (Henceforth to be cited as UNGAOR), A/37/1.

<sup>28</sup> See General Assembly Resolution 37/3 adopted in 1982.

naming and punishment of the aggressor by the international community was unjust and hence unacceptable. Security Council resolutions calling upon both parties to observe a cease-fire were rejected outright by Iran, which argued that all such attempts were nothing more than "a vote of confidence [by] the United States and the Soviet Union for Saddam."<sup>29</sup>

In concluding this section, it must be admitted that although Iran, like other non-aligned and aligned countries, voted for resolutions consistent with the principles of International Peace and Security and peaceful settlement of disputes, its practice has not always been exemplary. For example, the Manila Declaration on the Peaceful Settlement of International Disputes (1980) despite being a major contribution of the non-aligned countries (Iran being one of them) in the area of conflict resolution, today seems quite superfluous given the lack of political will on the part of disputant states to reach a compromise. This shortcoming has also weakened Article 33 of the United Nations Charter, which provides for the peaceful settlement of disputes.

However, following the decision by Iran to accept Security Council Resolution 598, its policy-makers have discovered the usefulness of the world organisation as the best forum to conduct multi-lateral diplomacy or, more accurately, limited membership conference diplomacy. For Tehran, this facility provided by the United Nations has come to be regarded as an important instrument in its foreign policy, in spite of its past conviction that -- most often -- national problems have been unnecessarily internationalised by some members for the sake of exerting political pressure and for propogandist purposes. For example Iran considers the continuing human rights mandate against it as a definite form of pressure being orchestrated by the United States among other countries.

### **III.2 The Middle East Situation and the Question of Palestine**

The plight of the Palestinian people in the occupied territories, the liberation of Jerusalem (because of its religio-political significance) and the politicisation of the Shi'ites in Southern Lebanon can be considered as the pivot of Iran's Middle East policy, at least until the demise of

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<sup>29</sup> The above quotation has been attributed to Prime Minister Musavi, commenting on Security Council Resolution 514, which called for a UN supervised cease-fire.

Ayatollah Khomeini. As Tables Five, Six and Seven indicate, the situation in the Middle East was also of great concern to the majority of member states in the United Nations, who (as Table Five indicates) maintain that the "core of the conflict" in the Middle East is the question of Palestine. However, whereas the international community condemned Israeli practices in the occupied territories (Table Seven) and attempted to resolve the issue by instituting international problem-solving mechanisms, Iran viewed "the removal of aggression from Palestine and an absolute recognition of the rights of the Palestinian people [as] religious obligations."<sup>30</sup> It considered all attempts hitherto directed at solving the problem as either being "chauvinistic outbursts by Arabs" or mere "politicking by the West or the East". Reviving the long-subdued call for the destruction of the state of Israel, Iran proposed the formation of a United "Islamic front against zionism and imperialism." The priority Iran accorded to remedying the situation is apparent from a comment made when in 1981 by Foreign Minister Musavi, that the recent Iraqi aggression against his country had "distracted the attention of the Moslem world from the Palestine issue ... and anti-zionist struggles of the Moslem nations."<sup>31</sup>

Iran's Middle East policy became viable after the Israeli invasion of Lebanon in 1982. Unlike Afghanistan, Iran had large numbers of followers among the Shi'a population in Lebanon. Groups like Islamic Jihad and Hizbollah received material and financial assistance from Tehran amounting to approximately \$100 million a year. The commitment and loyalty of these groups to the religio-political teachings of Ayatollah Khomeini made them the newest and most deadly faction in Lebanese politics. By the summer of 1983, the Hizbollah moved its forces from the training camps situated in the Bekka Valley to the impoverished Shi'ite suburbs of West Beirut. After successfully challenging the established pro-Syrian Shi'ite group Amal. Hizbollah embarked on a campaign of hostage taking and bombings to further its goals in the region.

By 1987, however, the infighting between the rival Shi'ite groups and in some cases with the Palestinian fighters encamped in Muslim West Beirut reached such proportions that both Iran

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<sup>30</sup> UNPVR, A/36/Pv.26.

<sup>31</sup> *Ibid.*

and Syria, who were international allies were forced to seek ways and means to establish a truce. This did not solve the problem for Iran since in the same period Lebanese Sunni Muslims called for Syrian Military intervention to end the fierce fighting on their soil. Iran's main concern in view of the arrival of the Syrian army was that its proxy (Hizbollah) in the area would lose control over the hostages, disrupting the objectives for which they were kidnapped. After the Syrian forces entered Southern Lebanon at the end of May 1988, the political catastrophe which Iran feared did not materialise, as Syria did not insist on having the hostages transferred to its control.

Iran considered the Lebanon as the springboard from which its loyal mujahids (holy warriors) would liberate Jerusalem and, more significantly, as a place where it could repeat its revolutionary experience. In this respect, any policy of seeking a negotiated settlement to the problem, involving Israel and her Arab neighbours, was not favourably viewed by Tehran as long as the question of Palestine and the occupation of Southern Lebanon by the Israeli army hung in the balance.

For example, all proposals attempting to address the problems arising out of Israel's occupation of Lebanon, short of those advocating eviction of the occupying forces, were seen by Iran as procrastination over the emancipation of the downtrodden Moslems in the region. Iran's Foreign Minister Velayati, addressing the 38th session of the United Nations General Assembly in 1983, stated in this regard that

"If it had not been for Camp David, the beautiful land of Lebanon would not have been drenched in blood by Zionist atrocities today. After all these bitter experiences, are we not right today to think of the acceptance of plans like the Fez Plan, the so-called Reagan plan or the pact between Lebanon and Israel as not only a betrayal of the Palestinian cause but also a betrayal of the aspirations of some one billion Muslims throughout the world?"<sup>32</sup>

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<sup>32</sup> UNPVR, A/38/Pv.13. The above statement is a harsher interpretation of provisions contained in *General Assembly Resolution 34/65B*. See Table Six at the end of this chapter. A note about President Reagan's Mid-East Peace Proposal: President Reagan communicated a Mid-East peace proposal to Mr Begin on August 31, 1982, in which he set out his administration's approach to a "just and lasting peace in the Middle East." Referring to the past success of Camp David in settling Egyptian-Israeli problems, culminating in the signing of a peace treaty (March 1979) between the two countries, Reagan stated "The Lebanon war, tragic as it was, has left us with a new opportunity for peace." Calling upon Israel to recognise that security could only be achieved "through ... a peace requiring magnanimity, vision and courage," upon the Palestinian people to recognise that their political future was bound to Israel's right to a secure future, and upon the Arab States to accept the reality of Israel, President Reagan however added that the United States would "oppose any proposal -- from any party at any point in the negotiating process -- that threatens the security of Israel." *Keesing's Contemporary Archives*, vol. XXIX, 1983, p.32034-036. Almost a week after the Reagan plan was made public, King Hassan of Morocco invited a summit conference of Arab League members to Fez to formulate an agreed Arab peace plan for the Middle East. The Fez Plan was based on an earlier proposal put forward by Saudi Arabia in which representation of the PLO was not

Foreign Minister Velayati added that, since the Palestinian and Lebanese situations threatened international peace and security, the United Nations must take steps such as "an all-out military and economic embargo" against Israel, "carry out its legal obligations with regards to Articles 41 and 42 in Chapter VII of the Charter" and even expel Israel from the United Nations. Speaking of his own country's obligations towards remedying the situation, Velayati stressed that his delegation fully supported the armed struggle of the Palestinian people, saying that "force does not recognise any logic but the logic of force."<sup>33</sup>

Although Iran rejected the proposals put forward by the Arab League (one of them being the Fez Plan) it did not vote negatively in the General Assembly on a Resolution which recognised the Fez Plan as an important contribution towards the realisation of the inalienable rights of the Palestinian people (see Table Five, Resolution 41/162A). However this did not mean that Iran's revolutionary leadership believed that a solution could only be found through negotiation. Iran's revolutionary regime -- confident after its battle victories with Iraq -- felt that the most lasting solution lay in the destruction of Israel and armed action against Western interests in the region. The rift that was caused because of the opposing tactics put forward by moderate Arab States and the more radical plans of Iran may have been one of the factors which caused Iran to absent itself from voting on certain resolutions concerning the Palestinian Question, including issues arising out of the Israeli occupation of Arab territories. As Tables Six and Seven indicate, Iran was absent on several occasions between 1984 and 1986, when resolutions it had previously voted for were tabled. From the events which occurred in the above-mentioned period, it may be gathered that the following factors may have contributed to Iran's conspicuous absence.

Without making too many conjectures about Iran's absenteeism during the voting on resolutions primarily dealing with the Palestine Question, it may be remarked that the PLO-Iranian relationship is a contributory factor. While Iran supported the Palestinian cause, it could not come to

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even mentioned; the Fez Plan in this respect reaffirmed the PLO as the "sole legitimate representative" of the Palestinian people. The Fez Plan was rejected by Israel on various grounds, for example, the demand for "the establishment of an independent Palestinian state with Jerusalem as its capital". *Ibid*, p.32037. Iran considered the Fez summit as a meeting of anti-revolutionary states, not committed to the liberation of Palestine.

<sup>33</sup> UNPVR, A/38/Pv.13.



terms with the PLO's support for Iraq, the PLO's financial dependency on the Persian Gulf Arab States. This aspect was further compounded by the Arab nationalist ethos, which ran contrary to Iran's pan-Islamic approach to all problems facing the Muslim world. In addition, Iran did not care much for the international image projected by PLO leader Yasser Arafat, preferring someone more radical to lead the movement. All the same, Iran still permitted the PLO to maintain its office in Tehran, and instituted and celebrated with great reverence Jerusalem Day.<sup>34</sup> In the opinion of some authors, the above observations substantiate the fact that factors like the Arab nationalist ethos "have been more important in determining the state of Arab-Iranian relations than have Iran's position on the Palestinian issue and its ties to Israel."<sup>35</sup>

Another reason as to why Iran absented itself from voting may lie in the lack of international condemnation of Iraq's policy of wreaking damage on civilian areas, in some cases with deadly chemical weapons. It is possible that Iran -- by remaining silent on the problems and injustices in the occupied territories -- sought to demonstrate its willingness (especially to the active Arab groups and states that counted on Iranian support), to suspend the Question of Palestine from its foreign policy agenda.

Given the abruptness with which Iran absented itself (see Tables Six and Seven) and again resumed voting, can also be attributed to indecision arising from "revolutionary disarray that underpins the official-unofficial division" of foreign policy.<sup>36</sup>

Lastly, given the detailed publicity that the Iran-Contra Scandal/Arms for Hostages deal has received in recent years, it would be fitting to include these as factors which may have contributed to Iran's diplomatic silence in the General Assembly. Although the possibility seems a little stretched that Iran received arms via Israel and in return absented itself from voting on resolutions which condemned Israel's actions in the occupied territories (Tables Six and Seven), the period in which these two foreign policy actions took place coincide and therefore merit at least a mention.

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<sup>34</sup> Jerusalem Day or Quds Day as it is known in Iran, served to remind all revolutionary Muslims of their obligation to strive ceaselessly for the liberation of Jerusalem. It is celebrated on the last Friday of the Holy month of Ramadan.

<sup>35</sup> *Iran and the World: Continuity in a Revolutionary Decade, op.cit.*, p.128.

<sup>36</sup> *Islam in Foreign Policy, op.cit.*, p.21.

Starting in mid-1984, in the view of some authors, "Iranian leaders felt that it was time to re-enter the world community". Following the release of United States hostage Reverend Weir in September 1985, an arms shipment from Israel was organised with direct American involvement. Due to a shortfall in the amount of weapons (in this case Hawk Missiles) and because they were outdated, it is reported that the Iranians were "livid" and refused to trade any hostages, demanding that their funds be returned and the weapon systems be taken back. After this initial deal collapsed, additional delivery and exchange deals were worked out between Colonel Oliver North, an Iranian middleman and certain members of the government of Iran. These deals were also reportedly not carried out smoothly, culminating in the exposure of the whole arrangement due to the division in the decision-making apparatus within the highest echelons of the Iranian government. Nevertheless, while the incident became a political disaster for the American administration, the Iranian leadership turned the situation into a minor political victory. However, in the two years which it took to nurture the deals, Iran is reported to have received a substantial quantity of weapon systems via Israel.<sup>37</sup>

Conspiracy theorists may further make the claim that the admission by Israeli Defence Minister Ariel Sharon that Israel had supplied Iran with \$27 million worth of weaponry in 1982 with the full knowledge of the US State Department<sup>38</sup> was a pre-meditated act, in the hope of neutralising the revolutionary regime's reaction to the forthcoming invasion of Lebanon. This, however, must have failed as a long-term strategy, because the formation of Hizbollah (Israel's primary enemy in the Lebanon) started on June 12, 1982, when Iran sent a contingent of 1,000 Revolutionary Guards into the Bekka Valley a week after the Israeli invasion of Lebanon.

In conclusion, it may be mentioned that the situation in the Middle East and the Question of Palestine were issues where Iran's policies and remedies are too militant/revolutionary to be considered as an alternative by the already existing anti-Israel lobby dominated by the Arab States in the United Nations General Assembly. But by getting directly involved in the politics of the

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<sup>37</sup> *In the Name of God: The Khomeini Decade, op.cit.*, see Chapter Seven, for details of arms transfer, see also *Chronology*, especially the year 1986.

<sup>38</sup> *Ibid.*, see *Chronology*. Ariel Sharon made the announcement on May 27, 1982.

region via the Lebanese Shi'ites, Iran was able to break the monopoly that Arab states had hitherto exercised in confronting the problem.<sup>39</sup> Although Iran's ability to influence the Arab regimes has been limited, it enjoys quite a lot of support from Moslems in the region for its uncompromising stance on these issues.

### III.3 International Subversion and Terrorism

The use of violence in post-Shah diplomacy is often regarded as the most important development in Iran's revolutionary foreign policy. Apart from taking hostage the diplomats and employees of the United States embassy in Tehran on November 4, 1979, Iran has been implicated in the suicide bombings of the US embassy in Beirut on April 18, 1983 and of the US marine barracks in Beirut on October 23, 1983, and in the series of kidnappings of Western nationals in Lebanon. With the benefit of hindsight, these actions have come to reflect the divisions in the Iranian leadership on the use of random violence as a foreign policy tool. For example, while the Iranian leadership has often stated that it rejected the use of subversion or terrorism to spread the revolutionary message,<sup>40</sup> there are those who question where the difference lies between Iran and those states who employ covert or overt means to protect and promote their ideals.

In the view of some authors, Iran was unable to use subversion, for example, as a long-term policy tool, as its potential for and success of subversive activities were limited by the following factors:

- (i) Iran's Persian character has given it limited success in reaching the Arab masses. Iranian religious leaders miscalculated the factors of ethnicity and nationalism, and the power it had to oppose Islamic universalism, the often-quoted example being the

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<sup>39</sup> For example, with regard to the Palestinian Question, the Iranian delegate to the United Nations stated that the "ethnic identity of Arab nationalism" would only serve to "dilute the primordial Islamic character of the issue". *UNPVR*, A/38/Pv.82.

<sup>40</sup> Professor R.K. Ramazani states that Iranian leaders have gone to great lengths to stress -- particularly to members of the Iranian Foreign Service -- that export of the "Islamic Revolution" must be accomplished by example and propaganda. He quotes Ayatollah Khomeini in this regard as saying "It does not take swords to export this ideology. The export of ideas by force is no export. We shall have exported Islam only when we have helped Islam and Islamic ethics to grow in those countries" ... *Islam in Foreign Policy*, *op.cit.*, p.19.

failure of Iran to mobilise the Arab Shi'a masses in Iraq.

- (ii) Iran's use of Shi'a symbols in its religio-political foreign policy objectives tended to polarise the greater Islamic movement, often causing orthodox Sunni groups to cleave closer to the ruling cliques. The Shi'a nature of the Iranian revolutionary creed has also limited its access to the various non-Shi'a Islamic groups in the Moslem world. This has led Iran to focus its attention on those societies which have Shi'a majorities or sizeable minorities.
- (iii) Lastly, although Iran financed Shi'a groups in Lebanon to the tune of approximately \$100 million annually and engaged in other propaganda works, the huge cost of the war restrained Iran's ability to expand its subversive activities.<sup>41</sup>

Given the above factors, why do exaggerated views of Iran's subversive activities keep emerging? Shireen Hunter attributes four factors to further explain this

- (i) The phenomenon of Islamic resurgence as a factor in world politics has been attributed to the trend set by the revolution in Iran. Hence all Islamic movements, "even those predating the Iranian revolution, have become somehow identified with Iran."
- (ii) "Iran has reaped the harvest of its self-appointed role as the leader of the Islamic world and its propensity to exaggerate its own influence among Islamic movements."
- (iii) Some governments have manipulated the Iranian role in order to suppress Islamic movements calling for radical change in their own countries and "to undermine their legitimacy with the public, by pointing to their foreign connections".
- (iv) Finally, the "Iranian threat has been exaggerated by the West, and even by the Soviet Union, in order to justify certain policies, ranging from support for Iraq and arms sales to the Persian Gulf states to the pursuit of a punitive policy towards Iran."<sup>42</sup>

UN activities in the field of international terrorism take place within two main fora -- the

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<sup>41</sup> *Iran and the World: Continuity in a Revolutionary Decade, op.cit.*, pp.178-181.

<sup>42</sup> *Ibid.*, p.181.

International Law Commission and the General Assembly. In this respect, Iran was shielded by the precedents set by the majority of members of the General Assembly with regard to the problem of international terrorism. UN attempts to deal with the problem have mainly included declarations, resolutions and treaty provisions that refer to the suppression of terrorism.

In the aftermath of the Arab attack on Israeli sportsmen in the Munich Olympic Games in 1972, the Secretary-General Kurt Waldheim proposed that the subject of international terrorism be regarded as an urgent matter. Subsequently, the Chairman of the Sixth Committee published a report on terrorism, which resulted in the adoption of General Assembly Resolution 3034, entitled

"Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardises fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical change."<sup>43</sup>

The resolution provided for an Ad Hoc Committee comprising 35 member states to be formed and, together with other states, to submit their observations on the problem to the Secretary-General for inclusion in an analytical study. The individual studies reflected great differences which slowed down the work of the Committee. To reconcile these differences, three sub-committees were formed, each addressing itself to defining terrorism, studying the underlying causes and outlining methods for prevention. This, however, did not solve the diversity in opinions. Discussions on the issue have henceforth been postponed from session to session and the Committee to this date remains unproductive.

The issue itself remains highly sensitive, and the following debate in the Sixth Committee of the General Assembly demonstrates the extent to which countries disagreed, although they all agreed that international terrorism in itself had to be prevented (Table Eight).

In 1985, four draft resolutions on terrorism were submitted to the Sixth Committee of the General Assembly, three of them by delegations and one by the Chairman of the Sixth Commit-

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<sup>43</sup> *General Assembly Resolution 3034, 2 November 1972.*

tee. The latter was eventually accepted by the Committee, although the Chairman's draft<sup>44</sup> was adopted by the General Assembly as Resolution 40/61 (Table Eight) without a vote, on the recommendation of the Sixth Committee. Sixth committee meetings themselves were not characterised by consensus. Cuba, explaining its negative vote on the draft resolution, stated that the draft had failed to take into account state terrorism as practised, it charged, by the United States, Israel and South Africa. While Iran did not participate in the voting, it declared that the text had however rightly recognised the legitimacy of the struggle for national liberation and the right of self-determination.<sup>45</sup>

The Soviet Union, while pleased that the text did not equate national liberation movements with international terrorism, would have preferred an explicit condemnation of state terrorism, the elements of which, it believed, were included in paragraphs 1 and 6.<sup>46</sup> The United States considered the language used to reaffirm the principle of self-determination in the preamble of the resolution to be excessive, especially when it was understood that the resolution did not lay down a pre-condition for other actions called for in the draft.<sup>47</sup>

The failure of the General Assembly to reach a consensus on how to deal with a problem, which in the last two decades has become multi-dimensional can be attributed to the tendency to delay discussions and disrupt work in the various fora within which the issue has been dealt. An added problem may be that emphasis has been shifted from finding a remedy for the problem of

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<sup>44</sup> *UNDoc.*, A/C.6/40/L.31 Document pertaining to the Sixth Committee of the United Nations General Assembly. See the same for the text of the resolution.

<sup>45</sup> The Iranian delegate, speaking in the Sixth Committee debate, stated that Moslem fighters in Afghanistan and Southern Lebanon were not terrorists but religious warriors, adding that his country "rejected all efforts to equate terrorism with struggle of oppressed people ... from foreign domination and occupation. *UNDoc.*, A/C.6/40/SR.22. Document pertaining to the Sixth Committee of the United Nations General Assembly.

<sup>46</sup> Paragraph one provided for unequivocal condemnation, and as criminal, of "all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardise friendly relations among states and their security." Paragraph six called upon states "to fulfill their obligations under international law to refrain from organising, instigating, assisting or participating in terrorist acts in other states, or acquiescing in activities within their territory directed towards the commission of such acts." *UNDoc.*, A/C.6/40/L.31. Document pertaining to the Sixth Committee of the United Nations General Assembly.

<sup>47</sup> The preambular paragraph of the resolution, which the delegate from the United States found excessive, reaffirmed "the inalienable right to self-determination and independence of all peoples under colonial and racist regime and other forms of alien domination, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among states in accordance with the Charter of the United Nations." *Ibid.*

terrorism to the study of the background causes of terrorism.

In 1981 when Ronald Reagan took office, international terrorism had already become an important part of the national foreign policy agenda. After the hostage crisis, Iran was included on the US State Department's list of those countries sponsoring terrorism.<sup>48</sup> But the differing nature of the Iranian leadership on matters of domestic and foreign policy has made it difficult to associate the government consistently with sponsoring or directly participating in terrorist or subversive acts. With the benefit of hindsight it is now known that the Iranian government has often been implicated in acts of terrorism and subversion, sponsored by independent factions in Iran who, by so acting, have hoped to influence the overall policy of the country. However, given the traumatic effect that terrorism has on the civilian population, the standard response of states has been to blame or take retaliatory measures, sometimes without prior verification. This reaction often fulfills the political objectives of planned terrorist acts and strengthens the resolve of the perpetrators.

In concluding this section, it would be in place to note that terrorism and subversion have had a negative impact on Iran's relations with a number of countries, especially Muslim countries in the region. While the leadership has been divided on ways and means of exporting the revolution, which it views as crucial to the survival of the revolutionary government, on issues like Palestine and gaining a foothold in Lebanon its approach has been united: Iran regarded Israel's policies in the occupied territories and in its security zone in Southern Lebanon as "morally wrong" and hence "impossible to live with".<sup>49</sup>

The unsatisfactory progress of the UN on this issue has its roots in the larger question of ideological and moral norms of the various member states. Given that the major part of the voting in the UN General Assembly lies with countries who have struggled against and continue to oppose various forms of colonialism, it is not surprising that those countries feel it justified to

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<sup>48</sup> In January 1988, President Reagan introduced the United States "National Security Strategy" in the form of a report to the United States Congress. The report, while expressing concern about radical anti-Western political and religious movements, emphasised that Iran posed the most serious, immediate threat to US interests in the Muslim world and that Iran's policies were aimed at undermining Western relationships in the Middle East.

<sup>49</sup> UNPVR, A/38/Pv.82.

pursue their fight against colonialism and apartheid through the use of violence. In addition, the resurgence of Islam following the revolution in Iran has given a new dimension to the hitherto defunct idea of national liberation movements, especially in Moslem countries.

#### IV. The Question of Discrimination against Iranian Nationals at the United Nations<sup>50</sup>

The following study has been undertaken by Houshang Ameri in a period when the governments of the United States of America and the United Kingdom quit the UNESCO in protest against "excessive politicisation" and "serious management problems" which were plaguing the organisation. In this context, Mr Ameri feels that none of the reasons put forward by the said governments for leaving UNESCO are "nearly as good as the reasons a country like Iran has for wanting ... to pick a bone with ... not just certain agencies but -- the UN system as a whole."<sup>51</sup>

Comparing the publicity given to different kinds of discrimination, be it "against women, or blacks, or Third Worlders", Mr Ameri feels that discrimination against nations -- in this particular case his own country has "never been trumpeted". While acknowledging that Iran is not alone in this situation, Mr Ameri feels that, at "a time when the system of international organisations in general is under criticism and attack for politicisation, mismanagement, inefficiency, bias etc," it might be instructive to consider the case of Iran as being "representative of a major deficiency, that is to say, discrimination or bias against certain states or third nationals."

Speaking from experience, Mr Ameri is of the view that the "discrimination against Iran which used to be solely of a personnel nature in the old days, has in recent years acquired a new dimension ... namely a political one." Alluding to the UN's role in the Iran-Iraq war, the author feels that the UN "has not even tried to give a semblance of impartiality whenever the question has been brought up in one of its organs."<sup>52</sup> However, the political aspect of the question is not

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<sup>50</sup> The following section is entirely attributed to a study undertaken by Mr Houshang Ameri, an ex-Iranian diplomat who is now lecturing in Geneva. With his special permission, the following information has been incorporated into this chapter with a view to enriching the enquiry. The study entitled "Discrimination at the UN: The Case of Iranian Nationals" is in the form of a monograph completed in 1986. It is available at the Library of the Graduate Institute for International Studies in Geneva as *Brochure 2880*.

<sup>51</sup> *Ibid.*, p.1.

<sup>52</sup> *Ibid.*, p.2.



addressed in detail, as the author is concerned mainly with a different form of discrimination: namely by the "leadership (or the establishment) of international secretariats against a particular nationality -- not injustice perpetrated by the majority against one member state". In other words, Mr Ameri devotes the rest of his study to examining what he describes as "an enduring systematic bias consistently exerted against Iranian candidates for higher positions -- positions where it really counts for a nation to place (to use the UN parlance) its citizens."<sup>53</sup>

To substantiate this charge, Mr Ameri proceeds to use or rather interpret certain relevant figures and statistics. Right below the Secretary-General (Peru) and the Director-General for Development and International Economic Co-operation (France) -- second in rank only to the Secretary General himself -- there are at the UN two important ranks of senior officials, namely Under-Secretaries -- General and Assistant Secretaries-General.

There are 26 or so posts of Under Secretaries General with an annual net pay of \$96,765 (an article in the 10.12.84 issue of the International Herald Tribune put the figure at \$129,000). None has ever belonged to an Iranian national. According to a Jack Anderson article in the *Washington Post* of 10.7.84, the Assistant Secretaries-General (who take home about \$85000 a year) number close to 150. Not a single one of them has ever gone to an Iranian either. Since the UN does not mention the nationality of these people in its *Directory of Senior Officials*, it is difficult to find out where each of these 170 or so people come from. But the *United Nations Handbook* (New Zealand Ministry of Foreign Affairs, 1985), lists 92 people under the title *Under Secretaries General, Assistant Secretaries General, and Officers of Equivalent Rank*, (see pp.102-105). If one adds the Secretary-General himself and the Director-General for Development and International Co-operation to that number, the total adds up to 94.

Occupants of these posts are, of course, to be selected from among different nationalities. If we leave out the 5 permanent members of the Security Council which are, of course, well represented (especially the Western ones) the distribution of those posts at the time of writing looks as follows:

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<sup>53</sup> *Ibid.*

Finland	4	Italy	2	Brazil	1	Jamaica	1
India	4	Japan	2	Cameroon	1	Mali	1
W. Germany	4	Nigeria	2	Chile	1	Netherlands	1
Pakistan	3	Norway	2	Ecuador	1	New Zealand	1
Sweden	3	Philippines	2	Egypt	1	Peru	1
Argentina	2	Spain	1	Fiji	1	Poland	1
Australia	2	Sri Lanka	2	Ghana	1	Sierra Leone	1
Austria	2	Tunisia	2	Greece	1	Somalia	1
Bangladesh	2	Algeria	1	Grenada	1	Syria	1
Canada	2	Belgium	1	Indonesia	1	Upper Volta	1
Denmark	2	Bolivia	1	Ireland	1	Yugoslavia	1

It goes without saying that the situation of Iranians in relation to other nationalities would look even worse if a complete table of the senior officials, specifying their citizenship, were to be published by the UN and its affiliated agencies.

Mr Ameri feels in this respect that Iran is actually "non-existent" at the "policy-formulating" levels of the UN, the same being true in every affiliated organisation.

Besides the Secretariats at the Headquarters in New York and at the UN offices in Geneva and Vienna, the UN family is composed of 16 specialised agencies (namely: ILO, UNESCO, FAO, IFAD, WHO, WMO, ITU, UPU, ICAO, IMO, WIPO, UNIDO, IMF, IBRD, IDA and IFC) plus a large number of more or less independent or semi-independent organisations such as the IAEA, UNHCR, UNCTAD, UNDP, ITC, WFP, UNICEF, UNEP, WTO, INSTRAW, UNITAR, UNRWA, UNU, UNV, UNDRO, and UNIDIR, to mention only a few. Each of these has a "Chief Administrative Officer" (Secretary-General, Director-General, Executive Director, etc) and most have two or more officers with a rank equivalent to that of an Under Secretary-General and a few more with ranks equivalent to an Assistant Secretary-General's. (A typical organisation such as the FAO has one Deputy Director-General and 10 Assistant Directors-General. ILO, another typical agency, has 3 Deputy Directors-General and 8 Assistant Directors-General). The author notes that not a single one of all these posts has ever gone to an Iranian national either.

With reference to the above Mr. Ameri is of the opinion that it is necessary to draw one of the following two conclusions. First, that there has been, as argued, an enduring and deep-seated bias against Iranian nationals seeking higher office at the UN and its affiliated agencies. Second, that no Iranian's "standards of efficiency, competence, and integrity" have been deemed sufficient

by the "UN Establishment" for such posts! The second conclusion in his view becomes especially absurd when one takes into account the fact that Iran's pool of university graduates is, at least proportionately, higher than that of any other developing country. Especially as almost half of university-educated Iranians are graduates of some of the best West European and North American universities -- universities that are regarded highly by the UN.

Mr Ameri acknowledges that the problem could be due to the fact that Iranian governments have been loath to put pressure on international organisations to appoint Iranian citizens to posts in international secretariats. While this may be true, he argues that this is precisely *the* policy that the UN itself has always advocated for member states to adopt. He adds that the reason for the UN's espousal of such an attitude is, of course, the desire to be under no pressure from member states, so that it may be able to select its employees on the basis of their "efficiency, competence, and integrity".

In reality however, he states, the international secretariats have used this lack of pressure -- or interest -- on the part of Iranian governments, to by-pass well-qualified Iranians and employ in their stead members of other nationalities whose governments deemed it appropriate to apply the needed -- and indispensable -- pressure for appointment to senior, "policy-formulating" positions.

Mr Ameri admits that the situation of Iranians within the UN family is in part a by-product of the fact that Iranian governments -- both in the past and in recent years -- have been unwilling to "place" Iranians in the secretariats of international organisations -- especially in their higher echelons, where it would naturally take much pressure and lobbying to succeed. But he declares it is quite clear that the situation is in large measure a direct result of recruitment policies and practices that far too often result in appointments based on political expediency, favouritism and nepotism rather than on professional integrity, competence and efficiency.

This according to the author is one of the many failings of the UN -- one that is not due to any intrinsic weakness in the system, but is rather the result of what appears to be systematic bias. Its importance lies in the fact that it is one of the few UN failings that have been within the power of the Secretariat to prevent or to put right, taking into consideration of course that it is also one

in whose continuation both the Secretariat and the member states have acquiesced.

The failures and shortcomings of the UN are of course well-known. And the fact that most people still accept the UN for what it is, is because they rightly believe most of those shortcomings -- especially in the political field -- to be beyond the control of the Organisation. But once those shortcomings and failures extend to other realms, then a new dimension in failure is added.

Most nations too, the author says, still accept the UN for what it is, in the belief that these shortcomings are beyond the organisation's control. Yet, when they are within the capacity of the world body to control but are not set right, concerned member states find it hard to continue supporting the cause of the UN system.

States that have served notices, Mr Ameri says, have had material and abstract grievances and some have grown too complacent about protecting their prerogatives. However, he observes, Iran's complaints are less abstract and certainly more concrete and real. Mr Ameri points out that the UN has observed neither justice nor fairness in respect of Iran and its nationals; they have been the objects of bias and discrimination. The UN's treatment of the Iran-Iraq war, he says, has not been commensurate with its importance. UN's appointment policies with regard to Iranians as reflected in quoted figures appear to be anomalous and grotesque.

Under the circumstances Mr Ameri recommends that there is a strong case for looking at each deficiency carefully so that action can be taken to avoid the disruption of the UN system and the further tarnishing of the world body's image.

In conclusion it may be noted that while Iran's revolutionary principles based on the Qoran, made Islam the primary choice of conducting her international relations, the United Nations as a non-religious forum and being an integral part of the world political system could not be ignored by the policy-makers in Tehran.

While the main complaint against the world body has been its inability to live up to the standards set in the UN Charter, the nascent revolutionary regime in due time learnt to apply the principles enshrined in the Charter selectively and replaced its high expectations with an attitude based on expedience.

The next chapter will examine the issue of human rights in Iran, with special reference to the areas of conflict and agreement this subject engenders when seen from the differing perspectives of the United Nations and the Islamic Republic.

# TABLES

## Note on the Tables

The following tables are based on information gathered from *The Proceedings of the General Assembly*. They comprise General Assembly Resolutions that reflect certain foreign policy issues which have been important to Iran and the International Community.

**Table One**  
**International Security**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Review of the implementation of the Declaration on the Strengthening of International Security	34/100	Yes	104-3-24
1981/82	On implementation of the Declaration on the Strengthening of International Security, with a view to prevent further aggravation of the international situation and disruption of the process of detente, and requesting the Security Council to consider ways of implementing their action.	36/102	Yes	127-0-20
1981/82	With regards to non-interference in the internal affairs of states.	35/159	Yes	120-0-25
1982/83	Urging all states in particular the permanent members of the Security Council to prevent the further deterioration of the international situation, especially on matters relating to the denuclearisation of Africa, the Indian Ocean as a Zone of Peace, the Conference in Europe, and the Question of Security and Co-operation in the Region of the Mediterranean.	37/118	Yes	116-0-19
1983/84	Urging all states, particularly the permanent members of the Security Council, to take all necessary measures to prevent further deterioration of the international situation and calling the great powers to engage in constructive negotiations and to abandon policies of confrontation.	38/190	Yes	135-0-12

**Table Two**  
**Peaceful Settlement of Disputes/Role of the UN in IR**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Inviting member states to transmit to the Secretary General their opinions, suggestions and proposals regarding elaboration of a declaration on the peaceful settlement of disputes between states.	34/102	-	Adopted without vote
1980/81	Requesting the Special Committee on the Charter of the UN and on Strengthening the Role of the Organisation to continue the elaboration of the draft Manila Declaration on Peaceful Settlement of International Disputes.	35/160	-	Adopted by consensus
1981/82	Requesting the Special Committee to finalise the Manila Declaration	36/110	-	Adopted without vote
1982/83	Approving the Manila Declaration on Peaceful Settlement of International Disputes	37/10	-	Adopted without vote
1983/84	With reference to the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organisation to prepare a preliminary outline on the possible content of a handbook on the peaceful settlement of disputes between states.	38/131	-	Adopted without vote
1984/85	Urges all states to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of Disputes	39/79	-	Adopted without vote
1985/86	Requests the Special Committee on the Charter of the UN and on the strengthening of the role of the organisation to continue its work on the peaceful settlement of disputes between States.	40/68	-	Adopted without vote
1986/87	Requests the Special Committee to continue the consideration of the working paper on the resort to a commission of good offices, mediation or conciliation within the UN ... and examine the progress on the preparation of a draft handbook on the peaceful settlement of disputes.	41/74	-	Adopted without vote



**Table Three**  
**Afghanistan Situation**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1980/81	Calling for the immediate and total withdrawal of foreign troops ...	ES-6/2	Yes	104-18-18
1980/81	Calling for immediate withdrawal of foreign troops from Afghanistan ... and creation of conditions which would enable Afghan refugees to return voluntarily to their homes in safety and honour ...	35/37	Yes	111-22-11
1981/82	Reaffirming the right of the Afghan people to determine their own form of government and to choose their economic, political and social system free from outside intervention.	36/34	Yes	116-23-12
1982/83	Reiterating that the presentation of the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan is essential for a peaceful solution of the problem.	37/37	Yes	114-21-13
1983/84	Reiterating the call for the immediate withdrawal of foreign troops from Afghanistan and calling up all parties to work for achievement of a political solution.	38/29	Yes	16-20-17
1984/85	Reaffirms the right of the Afghan people to determine their own form of government ... calls for immediate withdrawal of foreign troops ... and renews its appeal for humanitarian relief assistance to the Afghan refugees in co-ordination with UNHCR. <sup>55</sup>	39/19	Yes	119-20-14

<sup>55</sup> United Nations High Commission for Refugees.

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1985/86	The Afghanistan situation and its implications for international peace and security ... calls upon all parties to work for the urgent achievement of a political solution.	40/12	Yes	122-19-12
1986/87	Implications for international peace and security ... right to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever.	41/33	Yes	122-20-11

**Table Four**  
**Non Use of Force**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Towards drafting at the earliest possible date, a world treaty on the non-use of force in international relations.	34/13	Yes	71-14-13
1979/80	Condemning hegemonism in all its manifestations, declaring that no State or group of States shall pursue hegemony in international relations.	34/103	Yes	111-24-26
1981/82	With regard to the export and activities of the Special Committee on Enhancing the effectiveness of the Principle of Non-Use of Force in International Relations.	36/31	Yes	113-15-10
1982/83	Deciding that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations shall continue its work with the goal of drafting at the earliest possible date a world treaty on the non-use of force in international relations.	37/105	Yes	119-15-8
1983/84	No direct reference	-	-	-
1984/85	Draft resolution on the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.	39/81	Yes	111-15-10
1985/86	Decided that work by the Special Committee on a world treaty on the non-use of force shall continue.	40/70	Yes	119-14-12
1986/87	Decided that the Special Committee shall complete a draft declaration on the enhancement of the effectiveness of the principle of non-use of force in international relations, including, as appropriate, recommendations on the peaceful settlement of disputes.	41/76	-	Adopted without vote

**Table Five  
Middle East Situation**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Condemning Israel's continued occupation of Palestinian and other Arab territories ... calling anew for a Peace Conference on the Middle East, and requesting the Security Council to take measures to ensure implementation of relevant resolutions of the Security Council and the General Assembly.	34/70	Yes	102-17-20
1980/81	Reaffirming that the question of Palestine is at the core of the conflict in the Middle East ...	35/207	Yes	101-13-30
1981/82	Declaring that Israel's decision to apply Israeli law to the occupied territories is null and void and has no legal validity, requesting the Security Council to invoke Chapter VII of the Charter if necessary.	36/226B	Yes	121-2-20
1982/83	Condemning the large scale massacre of Palestinian civilians in the Sabra and Shatilla refugee camps in Beirut and resolving that the massacre was an act of genocide, calling for the strict respect of the territorial integrity, sovereignty, unity and political independence of Lebanon.	37/123D and 37/123E	Yes  Yes	123-0-22  145-0-0
1983/84	Condemning collaboration between Israel and South Africa, especially in the economic, military and nuclear fields.	38/180D	Yes	101-18-20
1984/85	Resolution divided into 3 parts Part A, reaffirms that a just and comprehensive settlement of the situation in the Middle East cannot be achieved without the participation on an equal footing of all parties to the conflict, including the PLO ... Part B, calls on member states to discontinue economic, diplomatic, military and cultural relations with Israel. Part C, deplores the transfer of some states diplomatic missions to Jerusalem.	39/146A  39/146B  39/146C	Yes  Yes  Yes	100-16-28  88-22-32  -

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1985/86	Resolution divided into 3 parts Part A, Reaffirmed the conviction that the Palestine question is the core of the conflict in the Middle East ...	40/168A	Yes	98-19-31
	Part B, declared that Israel's decision to impose its laws, jurisdiction and administration on the occupied Golan Heights is illegal and therefore null and void ...	40/168B	Yes	137-2-10
	Part C, determined that Israel's decision to impose its laws, jurisdiction and administration on the Holy city of Jerusalem is illegal and therefore null and void ...	40/168C	yes	137-2-10
1986/87	Resolution divided into 3 parts Part A, ... considered the Arab Peace Plan adopted unanimously at the 12th Arab Summit Conference, held at Fez, Morocco, in 1985 as well as relevant efforts and action to implement the Fez Plan, as an important contribution towards the realisation of the inalienable rights of the Palestinian people through the achievement of a comprehensive, just and lasting peace in the Middle East ...	41/162A	Yes	104-19-32
	Part B, declared Israel's continued occupation of the Golan heights and its policies therein as an act of aggression under the provisions of Article 39 of the Charter of the UN ...	41/162B	Yes	90-29-34
	Part C, considers illegal, Israel's decision to impose its laws on the Holy City of Jerusalem.	41/162C	Yes	141-3-11

**Table Six**  
**Palestinian Question**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Condemning all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, and declaring that the Camp David accords and other agreements have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967.	34/65B	Yes	75-33-37
1981	Reaffirming the inalienable rights of the Palestinian people ... and the right of the PLO to participate in deliberations on Palestine and the Middle East situation.	ES-7/2	Yes	112-7-24
1981/82	Demanding that Israel should fully comply with resolutions of the UN relating to Palestine and the historic character of the Holy City of Jerusalem and rejecting the declaration of Israel that Jerusalem is its capital, expressing opposition to all policies and plans aimed at the resettlement of the Palestinians outside their homeland.	35/169A	Yes	98-16-32
1981/82	Deciding to convene an International Conference on the Question of Palestine under UN auspices not later than 1984 ...	36/120C	Yes	122-4-20
1981/82	The resolution is comprised of five parts. The resolutions demanded that Israel withdraw its military forces from Lebanon ... calling for humanitarian aid to the victims of the Israeli invasion of Lebanon, requesting the Secretary General to arrange an enquiry to assess the extent of loss of human life ... Condemning Israel for its non-compliance with Security Council resolutions urging the Secretary General to undertake measures to guarantee the safety and security of the Palestinian and Lebanese civilian population in South Lebanon.	ES-7/4 ES-7/5 ES-7/6 ES-7/7 ES-7/9	Yes Yes Yes Yes yes	86-20-36 127-2-0 120-2-20 123-2-18 147-2-0

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1983/84	Calling for convening an International Peace Conference on the Middle East and inviting all parties to the Arab-Israeli conflict, including the PLO the United States, the USSR and other concerned states to participate on an equal footing.	38/58C	Yes	124-4-15
1984/85	Resolution divided into 4 parts: Part A, takes note of the activities of the Committee on the Exercise of the Inalienable Rights of the Palestinian People Part B, on the activities of the Division of the Palestinian Rights. Part C, dissemination of information on the activities of the UN system relating to Palestine. Part D, on the convening of an international peace conference on the Middle East.	39/49A	Yes	127-2-21 <sup>57</sup>
		39/49B	Yes	130-3-17
		39/49C	Yes	131-3-15
		39/49D	Yes	121-3-23

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1985/86	Resolution divided into 4 parts: Part A, Implementation of the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People ... including representations at conferences and meetings and the sending of delegations where such activities would be considered appropriate ... Part B, ... requests the Secretary General to provide the Division for Palestinian Rights with the necessary resources to accomplish its task and to expand its work programme ... Part C, requests the Department of Public Information to continue its special information programme on the question of Palestine ... Part D, endorses the call for convening the international peace conference on the Middle East; calls upon the Governments of Israel and the United States to reconsider their positions towards the attainment of peace in the Middle East through convening the conference.	40/96A	Absent	128-2-22
		40/96B	Absent	129-3-20
		40/96C	Absent	131-3-18
		40/96D	Absent	107-3-41
1986/87	Resolution divided into 4 parts: Part A, Implementation of the recommendations of the Committee on the Exercise of inalienable Rights of Palestinian People Part B ... requests the Secretary General to ensure the continued co-operation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks and in covering adequately the various aspects of the question of Palestine Part C, Dissemination of Information on the Palestine question. Part D, Convening of an international peace conference on the Middle East ... with the participation of the permanent members of the Council, to take the necessary action to convene the conference.	41/43A	Yes	121-2-21
		41/43B	Yes	125-3-18
		41/43C	Yes	124-3-19
		41/43D	Yes	123-3-19



**Table Seven**  
**Arab Territories Occupied by Israel**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Emphasising the right of the Arab states and peoples whose territories are under Israeli occupation to full and effective permanent sovereignty ...	34/136	Yes	118-2-21
1980/81	Condemning the Israeli practice of repression against students and universities in the occupied Palestinian territories ... requests Security Council to convene in order to take measures to ensure that Israel rescind the illegal measures taken against the Palestinian Mayors and the Shariah Judge Tamini and to facilitate their return.	35/122F	Yes	117-2-25
1981/82	With regards to the report of the Special Committee to investigate Israeli Practices affecting the Human Rights of the Population of the Occupied Territories.	36/147 A to G	Yes	
1982	Israel's decision of December 14, 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan Heights, was constituted as an act of aggression. The resolution called upon member states to cease all dealings with Israel in order to totally isolate it in all fields.	ES9/1	Yes	86-21-34

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1982/83	Condemning Israel for its exploitation of the national resources of the occupied Palestinian and other Arab territories, emphasising effective permanent sovereignty of the Arab peoples over their national and all other resources	37/135	Yes	124-2-20
1983/84	The resolutions emanating from the General Assembly echoed demands made in previous years.	-	-	
1984/85	The resolution adopted in this year was divided into eight parts: The first part (A) demanded the release of all prisoners ... Part (B) called on Israel to comply with the provisions of the Geneva convention relative to protection of civilian persons in time of war ... Part C demanded that Israel desist from changing the legal status, geographical nature or demographic composition of the Palestinian and other territories.	39/95A 39/95B 39/95C	Absent Yes Absent	120-2-15 140-1-3 143-1-1

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1984/85	<p>Part D, deplored the continued refusal of Israel to allow the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.</p> <p>Part E, demanded that Israel immediately facilitate return of expelled Palestinian leaders.</p> <p>Part F, condemned Israel for refusing to comply with General Assembly resolutions on the imposition of Israeli laws in the occupied Golan Heights.</p> <p>Part G, condemned Israeli practices and policies against Palestinian students, universities and other educational institutions.</p> <p>Part H, demanded that Israel inform the Secretary General of the results of the investigation and prosecution relative to assassination attempts against the mayors of Nablus, Ramallah and Al Binch</p>	39/95D	Absent	115-2-28
		39/95E	Absent	143-1-1
		39/95F	Absent	141-1-3
		39/95G	Absent	117-2-26
		39/95H	Absent	143-2-0
1985/86	<p>The resolution adopted in this year was divided into seven parts</p> <p>Part A, deplored the Israeli arbitrary detention of Palestinians and demanded their immediate release ...</p> <p>Part B, Applicability of the Geneva convention relative to the Protection of Civilian Persons in time of war to the occupied territories</p> <p>Part C, Israeli measures threatening the legal status, geographical nature and demographic composition of the occupied territories</p> <p>Part D condemnation of violation of the Human Rights of the civilian population of the territories occupied by Israel.</p> <p>Part E, called for the return of expelled Palestinian leaders and cease forthwith further expulsion.</p> <p>Part F, condemns Israel for imposition of Israeli laws on Syrian Golan Heights</p>	40/161A	Absent	95-2-37
		40/161B	Absent	137-1-6
		40/161C	Absent	138-1-6
		40/161D	Yes	109-2-34
		40/161E	Yes	126-1-19
		40/161F	Yes	136-1-10

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1985/86	Part G, condemns Israeli policies against Palestinian educational institutions.	40/161G	yes	112-2-32
1986/87	The Resolution concerning Israeli practices affecting the Human Rights of the population of the Occupied territories was divided into 7 parts Part A, was concerned with the Arbitrary detention of Palestinians in the occupied territories. Part B, was concerned with Applicability of the Geneva Convention reactive to the Protection of Civilian Persons in time of war. Part C, Israeli measures threatening the legal status, geographical nature and demographic composition of the occupied territories. Part D, Violation of the human rights of the civilian population of the territories occupied by Israel. Part E, was concerned with expelled Palestinian leaders. Part F, condemned Israel for the imposition of Israeli laws on the Golan Heights. Part G, condemned Israel's policies with regard to Palestinian educational institution.	41/63A 41/63B 41/63C 41/63D 41/63E 41/63F 41/63G	Yes Yes Yes Yes Yes Yes Yes	108-2-34 145-1-6 145-1-5 114-2-36 131-1-21 142-1-11 119-2-32

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Measures of co-operation for the speedy elimination of the problem of international terrorism ...	34/145	Yes	118-0-22
1981/82	Re-endorsing the recommendations submitted to the General Assembly relating to practical measures of co-operation for the speedy dimension of the problem of international terrorism.	36/109	-	Adopted without vote
1982/83	No direct reference	-	-	-
1983/84	Calling upon all states to observe and implement the recommendations submitted by the Ad Hoc Committee on international terrorism to the General Assembly at its 34th session.	38/130	-	Adopted without vote
1984/85	A resolution was adopted under the title of Policy of State Terrorism the resolution demanded that states take no action aimed at military intervention and occupation.	39/159	Yes	117-0-30
1985/86	Unequivocal condemnation, as criminal, all acts, methods and practices of terrorism, methods and practices of terrorism ... calls upon all states to fulfill their obligations under international law to refrain from organising, instigating, assisting or participating in terrorism acts in other states.	40/61	-	Adopted without vote
1986/87	No direct reference in General Assembly resolution.			

**Table Eight**  
**International Terrorism**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Measures of cooperation for the speedy elimination of the problem of international terrorism ...	34/145	Yes	118-0-22
	Re-endorsing the recommendations submitted to the General Assembly relating to practical measures of cooperation cooperation for the speedy elimination of the problem of international terrorism.	36/109	-	Adopted without vote
1982/83	No direct reference	-	-	-
1983/84	Calling upon all states to observe and implement the recommendations submitted by the Ad Hoc Committee on International Terrorism to the General Assembly at its 34th session.	38/130	-	Adopted without vote
1984/85	A resolution was adopted under the title of Policy of State Terrorism – the resolution demanded that States take no action aimed at military intervention and occupation.	39/159	Yes	117-0-30
1985/96	Unequivocal condemnation, as criminal, all acts, methods and practices of terrorism ... calls upon all states to fulfill their obligations under international law to refrain from organising, instigating, assisting or participating in terrorist acts in other states.	40/61	-	Adopted without vote
1986/87	no direct reference in General Assembly resolutions	-	-	-

**Table Nine**  
**Colonial Countries**

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1979/80	Condemning all activities of foreign economic and other interests operating in Namibia, Southern Rhodesia and South Africa ...	34/41	Yes	88-15-33
1980/81	On implementation of the Declaration on the Colonial Countries and Peoples by the specialised agencies and international institutions associated with the UN.	35/29	Yes	141-0-8
1981/82	On implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialised agencies and the international institutions associated with the UN, and specifically expressing regret that the World Bank and IMF continue to maintain links with the racist regime of South Africa.	36/52	Yes	124-6-23
1982/83	Making specific recommendations regarding the relationship between South Africa and the International Monetary Fund.	37/32	Yes	128-4-20
1983/84	The various resolutions emanating from the General Assembly dealt with the process of decolonisation in many parts of the world and the role of inter-governmental organisations. (Too numerous to include).	-	-	-

Year	Subject of Resolution	Resolution Number	Voting position of Iran	Overall voting Position yes-no-abstain
1984/86	Decisions on military activities and arrangements by colonial powers in territories under their administration which might be impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.	39/412	Yes	118-10-15
1985/86	Condemns those Western and all other countries, as well as the transnational corporations, which continue their investments in, and supply of armaments and oil and nuclear technology to South Africa ... calls upon oil producing and oil exporting countries to take effective measures against the oil companies in violation of sanctions so as to terminate the supply of crude oil and petroleum products to South Africa.	40/52	Yes	125-9-16



## Chapter VI

### The United Nations and the Question of Human Rights in Iran: 1979-1989

#### Introduction

The question of human rights in Iran has been of considerable interest to the international community in the period before and after the establishment of the Islamic Republic. Not unlike in other countries, the issue of human rights has been used by interested parties to pressurise Iran into complying with certain "international norms". In the area of human rights many of these norms are contained within the Universal Declaration of Human Rights which was framed in 1948. The opening sections of this chapter will examine the development of human rights instruments at the United Nations and the scope of their application.

It has been observed that "the idea of human rights is one of the most prominent in Western political rhetoric today". The equation which follows seems to be quite simple i.e. "A regime which protects human rights is good. One which violates them, or worse still, does not acknowledge them at all, is bad".<sup>1</sup> Whatever the basis for such rhetoric may be, human rights has come to occupy an important place in world politics, particularly in the area of foreign policy. But this relatively new component in the foreign policy processes of many countries is not without dilemma. If the mainstay of the international legal/political order is the principle of non-intervention, then it is not surprising that some states are highly sensitive to international human rights. Which they view as "... either the most blatant kind of imperialism – everyone ought to be a citizen of Rome because the civilisation of Rome is superior – or an attempt to disguise imperialism by pretending that there are universal values."<sup>2</sup>

"The impact of human rights on contemporary international politics, then, can be rendered

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<sup>1</sup> A.J.M. Miller, *Human Rights and Human Diversity: An Essay in the Philosophy of Human Rights*, London, Macmillan Press Ltd., 1986, p.1.

<sup>2</sup> R.J. Vincent, "Human Rights and Foreign Policy", *Australian Outlook*, vol.36, no.3, December 1982, p.1.

partly in terms of the advance of cosmopolitan values on the redoubt of state sovereignty, and partly in terms of the attempt by some powers to gain ideological advantage at the expense of others".<sup>3</sup> Some countries like the United States have sought to domestically justify human rights in national foreign policy, on the idealistic grounds that "... its revolution was the beginning of emancipation for all human kind."<sup>4</sup> However, when this attitude is carried abroad it receives stiff opposition from states who have had a long tradition in developing human rights.

Human rights in Iran has played a pivotal role in the external and internal policy formulation of that country and continues to have an impact on its international relations. In post-revolution Iran, the question of human rights as stipulated in the Universal Declaration came to be viewed as a *problematique*. Much of this is due to certain basic conflicts existing between secular and Islamic interpretations of what human rights entail. The insistence on the supremacy of Islamic law to international law and the oneness of the affairs of church and state in Islam have created further problems for the advocates of international human rights. Inside Iran there is a firm belief among the leadership that some of the foremost advocates of international human rights in the world are also foremost violators.

Iran's position on human rights issues have been considered by some as a challenge to international law and by others as an outright assault on its principles. The United Nations at the insistence of some of its members have singled out the Islamic Republic of Iran for special treatment. This has entailed the appointment of a special representative to study the situation of human rights abuses in Iran and report back to the Commission on Human Rights and General Assembly annually. The concluding sections of this chapter will study the United Nations role in examining the human rights situation and the attitude and response of Iran. Special emphasis will be laid on the analysis of the reports of the Special Representative and reference will be made to information gathered during a brief internship at the United Nations Centre for Human Rights in Geneva.

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<sup>3</sup> R.J. Vincent, "The Response of Europe and the Third World to the United States Human Rights Diplomacy", in David D. Newton (ed.), *The Diplomacy of Human Rights*, London, University Press for America, 1986, p.32.

<sup>4</sup> *Ibid.*

Given the longer aims of this thesis, this chapter will also attempt to examine the question of human rights in the internal politics of post-revolutionary Iran, and the extent to which it necessitated the scrutiny of the United Nations Commission on Human Rights. In addition, an analysis will be made of how the Iranian government viewed the question of human rights and the apparent effects this attitude had on its international relations.

### **I. The United Nations and the Development and Scope of Human Rights**

In the preamble of the UN charter, it is mentioned that the peoples represented at the United Nations (a) reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of the nations large and small, and (b) promise to promote social progress and better standards of life in larger freedom. In Article 13, which deals with the purposes of the United Nations, reference is made to the United Nations' resolve to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Under Article 13, the General Assembly is required to initiate studies and make recommendations for the purpose of assisting in the realisation of human rights and fundamental freedoms for all.

Article 55 requires that the United Nations should act with a view to creating "conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples". Article 56 further encourages Member States to take individual and joint action in cooperation with the organisation for the achievement of the objectives set forth in Article 55.

The Economic and Social Council (ECOSOC), under Article 62, is to make recommendations for the purpose of promoting respect for and observance of human rights and fundamental freedoms for all, and, under Article 68, is required to set up a Commission for the promotion of Human Rights.

Thus it would appear from the aforesaid provisions contained in the Charter of the United

Nations, that a great deal of emphasis has been laid upon the desirability of showing international concern for the protection of human rights and fundamental freedoms, the emphasis on this aspect of international activity by the United Nations seems all the more impressive if compared to the pre-Charter era, when the human rights component in the theory and practice of international law and politics was absent.

It is a well-acknowledged fact that the preliminary work that had gone into the preparation of the provisions of the Charter, especially in the Dumbarton Oaks proposals of 1944, practically ignored the rights of minorities.<sup>5</sup> With the exception of sketchy references made in the ninth Chapter of the proposals concerning respect for human rights and the fundamental freedoms. The Big Powers during that period hardly showed any genuine desire to accord international protection to human rights or fundamental freedoms of individuals.<sup>6</sup> It was only at San Francisco, at the insistence of several smaller countries and NGOs that the original proposals were altered to provide international recognition and protection of human rights.

It is possible that, because of this forced entry of human rights into the arena of international law and politics, the provisions of the Charter do not impose upon the members any binding obligation to recognise and protect those human rights and freedoms mentioned in the Preamble or in the text of the Charter. However, the treatment of human rights at the United Nations has changed markedly from the early years. Across the UN system as a whole, there is a persistent but fragile effort to increase the Organisation's role in the supervision of national human rights policies. This change can be attributed to (i) the foreign policies of member states, (ii) the growing role of the NGOs, (iii) the influence of Secretariat officials, (iv) the assertiveness of certain pre-eminent individuals, (v) and lastly the effect of the World Campaign for Human Rights. The above-mentioned factors have brought about great changes in the organs of the United Nations,

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<sup>5</sup> The Dumbarton Oaks proposals for a United Nations Organisation, prepared in 1944 by the four victorious allies, very nearly gave to human rights "only a passing reference". John P. Humphrey, "The UN Charter and the Universal Declaration of Human Rights", in *The International Protection of Human Rights*, (ed.), Evan Luard, London, Thames and Hudson, 1967, pp.39-58, especially p.40.

<sup>6</sup> During the inter-war years the only significant human rights activity was being undertaken by the League of Nations' Minorities system. See Ian Clark Jr., *National Minorities: An International Problem*, Cambridge, Harvard University Press, 1955.

like the later establishment of the Human Rights Committee, the Human Rights Commission and Sub-Commission, and even in the ECOSOC and Third Committee of the General Assembly. However, the significance brought about by all this activity and change has first of all no direct impact on the condition of human rights in the world, and secondly, it is difficult to assess given the extent to which human rights has been politicised.

The most important statements concerning the norms of international human rights are contained in the Universal Declaration of Human Rights, adopted on 10 December 1948 by the United Nations General Assembly. On December 16, 1966, three international instruments were adopted by the General Assembly in further reinforcing international concern for the protection of human rights and freedoms:

- (a) Covenant on Economic, Social and Cultural Rights.
- (b) Covenant on Civil and Political Rights; and
- (c) Optional Protocol on Civil and Political Rights.

The first two covenants were adopted by a unanimous vote and the third by a majority vote in the General Assembly. The above instruments came into force in 1976.<sup>7</sup> The rights proclaimed in the Universal Declaration are divided into civil and political rights and economic, social, and cultural rights. These rights are not absolute and are in each case subject to limitations. The Covenant on Civil and Political Rights in particular defines the admissible restrictions on the rights it sets forth. In general the Covenant provides that the rights and freedoms with which it deals should not be subject to any restrictions except those which are necessary to protect national security, public order, public health or morals or the rights and freedoms of others.<sup>8</sup>

Listed below is the further classification of rights as contained in the articles of the Universal Declaration of Human Rights:

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<sup>7</sup> See *General Assembly Resolutions* 217A (III) and 2200 (XXI). These texts are widely reprinted, for example in Louis B. Sohn and Thomas Buergenthal, (eds.), *Basic Documents on International Protection of Human Rights*, Indianapolis, Bobbs-Merrill, 1973.

<sup>8</sup> In this connection the Commission on Human Rights emphasised, in *CHR Resolution 23 (XXXVI) of 29 February 1959*, that everyone should be subject only to such limitations as were determined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights and other relevant instruments. *United Nations Action in the Field of Human Rights*, New York, United Nations, 1988, p.35, paragraphs 44 and 45.

1. **Personal rights, including rights to life, nationality, recognition before the law; protection against cruel, degrading, or inhumane treatment or punishment; and protection against racial, ethnic, sexual or religious discrimination. (Articles 2-7, 15 of the Universal Declaration of Human Rights).**
2. **Legal rights, entailing access to remedies for violations of basic rights; the presumption of innocence; the guarantee of fair and impartial public trials; prohibition against ex post facto laws; and protection against arbitrary arrest, detention or exile, and arbitrary interference with one's family, home or reputation. (Articles 8-12 of the Universal Declaration of Human Rights).**
3. **Civil liberties, especially rights to freedom of thought, conscience and religion; opinion and expression; movement and residence; and peaceful assembly and association. (Articles 13, 18-20 of the Universal Declaration of Human Rights).**
4. **Subsistence rights, particularly the rights to food and a standard of living adequate for the health and well-being of oneself and one's family. (Articles 25 of the Universal Declaration of Human Rights).**
5. **Economic rights, including principally the rights to work, rest and leisure, and social security. (Articles 22-24 of the Universal Declaration of Human Rights).**
6. **Social and cultural rights, especially rights to education and to participate in the cultural life of the community. (Articles 26,27 of the Universal Declaration of Human Rights).**
7. **Political rights, principally the right to take part in government with periodic and genuine universal and equal suffrage (Article 21), in addition to the political aspects which accompany other civil liberties.**

Since the adoption of the Universal Declaration of Human Rights in 1948, the General Assembly has adopted numerous declarations on conventions concentrating on human rights. They deal *inter alia* with genocide, racial discrimination, apartheid, stateless persons, the rights of women, torture, youth, aliens, development and social progress.<sup>9</sup> The standard practice of states is

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<sup>9</sup> *Human Rights: A Compilation of International Instruments*, New York, United Nations, 1988. This book comprehensively covers the standards of international human rights in its most up-to-date form.

to treat the norms of the Universal Declaration, the Covenants and recent instruments as international norms, but with self-selected national exemptions. "Adherence to these norms and charges of failure to live up to them are regular features of contemporary international politics ... Each state ... retains almost complete autonomy in implementing these norms at the national level ..." <sup>10</sup> Moreover, since the language of the Universal Declaration is open to interpretation, it is quite ambiguous. This however is considered by some as not being a defect. "Partial agreement and a partial advance is better than no advance at all." <sup>11</sup>

Before examining the scope of international human rights and some of the problems facing its implementation, it would be in place to describe briefly some salient organs of the United Nations' human rights machinery and their functions.

#### (a) Economic and Social Council

As mentioned earlier on in this paper, the ECOSOC is empowered by Articles 62 and 68 (among other references) to encourage the promotion and protection of human rights within the international community.

The ECOSOC, which is composed of 54 members, normally holds an organisational session and two regular sessions every year. Human rights items are usually referred to the first (Spring) session of the Council's Second (Social) Committee, a "sessional" committee on which the 54 members of the Council are represented, although some items are dealt with in plenary meetings without reference to a committee. The reports of the Social Committee, which contain draft resolutions and draft decisions, are submitted to the Council for consideration and final action in plenary meetings.

To assist it in dealing with items relating to human rights, the Council has established the Commission on Human Rights and the Commission on Human Rights in turn has established the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

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<sup>10</sup> Jack Donnelly, "International Human Rights: a Regime Analysis", *International Organisation*, vol.40, no.3, Summer 1986, p.408.

<sup>11</sup> Based on personal discussions with a UN functionary attached to the Centre for Human Rights in Geneva in June, 1989.

From time to time the Council has set up ad hoc committees composed of representatives of member states, experts nominated by their governments, or outstanding personalities serving in their personal capacity. The Council has also, on occasion, appointed or authorised the Secretary-General to appoint special rapporteurs or committees of experts to prepare reports on technical subjects.<sup>12</sup>

**(b) Commission on Human Rights**

The Commission was set up by the Economic and Social Council in 1946, and has met annually since that time. It is the main body dealing with human rights issues, since it may deal with any matter relating to human rights.

The Commission makes studies, prepares recommendations and drafts international instruments relating to human rights. It also undertakes special tasks assigned to it by the General Assembly or the ECOSOC, including the investigation of allegations concerning violation of human rights and the handling of communications relating to such violations. It cooperates closely with all other United Nations bodies having competence in the field of human rights.

The Commission, originally made up of 18 members who were responsible for the task of drafting the International Bill of Human Rights, is now composed of the representatives of 43 member states elected for three-year terms. It meets each year for a period of six weeks and operates under the rules laid down by the ECOSOC. Only members of the Commission, or their alternates, have the right to vote. Although most Commission members are relatively non-ideological (when compared to their counterparts in the General Assembly), they are still instructed political delegates. Strict criteria of admissibility limit the cases considered; the Commission may, however, invite any state to participate in its deliberations or for that matter any national liberation movement on issues of particular concern to them. Specialised agencies, inter-governmental organisations and non-governmental organisations in consultative status with the ECOSOC may designate authorised representatives to sit as observers at public meetings of

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<sup>12</sup> *Human Rights Machinery*, Part I, Geneva, United Nations, October 1988, pp.5-6.



the Commission.

To assist in its work, the Commission has established a number of subsidiary bodies, including the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In recent years, the Commission has set up organisations to investigate problems in specific countries and territories as well as on thematic situations. In addition, the Commission has a variety of methods for dealing with violations of human rights. These include fact-finding by experts consisting of special rapporteurs, representatives or other designees appointed by the Commission to study the situation of human rights in specific countries such as Afghanistan, Chile, El Salvador, Guatemala and the Islamic Republic of Iran, or on thematic situations such as Summary or Arbitrary Executions, Religious Intolerance, Massive Exoduses and Mercenaries.<sup>13</sup>

Lastly, but most importantly it should be noted that the Commission's strongest powers rest on ECOSOC resolution 1503 (XLVIII) (1970), which authorises the Commission to investigate communications (complaints) that "appear to reveal a consistent pattern of gross and reliably attested violations of human rights".<sup>14</sup> Before the 1503 procedure was established, the Commission – which had been authorised since 1948 to "receive" communications – however could not act on this "power" and hence was of no practical significance.

**(c) Sub-Commission on Prevention of Discrimination and Protection of Minorities**

At its first session, in 1947, the Commission on Human Rights established the Sub-Commission on Prevention of Discrimination and Protection of Minorities (a) to undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, religious and linguistic minorities; and (b) to perform any other functions entrusted to it by the ECOSOC or by the Commission.

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<sup>13</sup> *Ibid.*, pp.6-8.

<sup>14</sup> See Howard Tolley, "The Concealed Crack in the Citadel: The United Nations Commission on Human Rights Response to Confidential Communications", *Human Rights Quarterly*, no.6, November 1984, pp.460-62.

The Sub-Commission is composed of 26 experts elected by the Commission to serve, as of 1988, for four-year periods. Although nominated by governments, these experts act in their personal capacity and not as the representatives of States.<sup>15</sup>

The Sub-Commission has established three working groups which meet regularly before each of its annual sessions to assist it with certain tasks: the Working Group on Communications, which examines allegations of violations, especially those which appear to reveal a consistent pattern of gross and reliably-attested violations of human rights; the Working Group on Slavery; and the Working Group on Indigenous Populations. The Sub-Commission may establish sessional Working Groups like the one on the Rights of Persons Detained or Imprisoned. Each of the working groups submits its reports to the Sub-Commission for consideration and adopts its own resolutions and decisions, which may also be presented to the Commission and the ECOSOC.

#### (d) Human Rights Committee

This Committee was established in 1977 in accordance with article 28 of the International Covenant on Civil and Political Rights. The signatories of the Covenant elect an 18-member Committee to review state reports and to hear individual petitions from persons whose state has accepted the "optional protocol".<sup>16</sup> The Committee is autonomous, as it does not take instructions from UN bodies, but reports directly to the General Assembly and interacts with the UN secretariat. This relative freedom has made the Committee an assertive and energetic group which has its own review methods, while at the same time maintaining a cooperative attitude towards states.<sup>17</sup>

The Committee normally holds three sessions a year; at each session it examines reports from state parties to the Covenant on the progress made in the promotion, protection and

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<sup>15</sup> The Sub-Commission as of 1990 has increased its membership. A majority of these members have been selected from Third World countries. This move has been criticised by some developed countries who believe that it could have an adverse effect on the functioning of the sub-commission and on international protection of human rights.

<sup>16</sup> The Optional Protocol to the International Covenant on Civil and Political Rights was adopted and opened for signature, notification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. But it only came into force on 23 March 1976. The Optional Protocol provided an international machinery for dealing with communications from individuals claiming to be victims of violations of any of the rights set forth in the above mentioned Covenant.

<sup>17</sup> Dana D. Fisher, "Reporting Under the Covenant on Civil and Political Rights: The First Five Years of the Human Rights Committee", *American Journal of International Law*, vol.1, no.76, January 1982, pp.142-153.

difficulties faced in the implementation of human rights.

By the end of 1987, there were 87 states parties to the International Covenant on Civil and Political Rights, 39 of which had also ratified or acceded to the Optional Protocol, and 21 states which had made the declaration under article 41 of the Covenant recognising the competence of the Committee to consider communications relating to inter-State disputes.

**(e) Centre for Human Rights**

A number of United Nations bodies are concerned with human rights from time to time and in varying degrees.<sup>18</sup> The Centre for Human Rights, located in the United Nations Office at Geneva, is the Secretariat unit of the UN mostly concerned with human rights questions. The Centre, headed by the Under-Secretary-General for Human Rights who is also Director-General of the United Nations Office at Geneva – is made up of the office of the Under-Secretary-General and six main sections. The Centre maintains an office in New York at the UN headquarters.

The office of the Under-Secretary-General, (at the time of writing Mr. Jan Martenson), is composed of (a) an Administrative Support Unit, which maintains liaison with organisational units providing the administrative, financial and personnel support services to the Centre. (b) the New York Office, which provides information and assistance to the office of the Secretary-General, and assists in coordinating the activities of the Centre with those of other Secretariat units at headquarters. (c) the Secretariat of the Working Group on Enforced or Involuntary Disappearances, which deals with urgent communications addressed to the Working Group and assists the group in taking urgent action in cases of disappearances.

The six main sections are as follows: (i) an International Instruments Section, which carries out functions and responsibilities relating to the implementation of international human rights treaties. (ii) a Communications Section; which processes communications concerning allegations of violations of human rights under existing confidential procedures, such as the procedure

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<sup>18</sup> The United Nations High Commission for Refugees (UNHCR) and the four specialised agencies of the United Nations system have also a special interest in human rights matters.

governed by ECOSOC resolution 728F (XXVIII) and 1503 (XLVIII); the Optional Protocol; article 14 of the International Convention on the Elimination of all forms of Racial Discrimination; and article 22 of the Convention against Torture. (iii) a Special Procedures Section provides substantive services to ad hoc or extra-conventional activities decided upon by the General Assembly, the ECOSOC and the Commission. This includes assistance to special or ad hoc working groups and/or special rapporteurs and representatives mandated in regard to situations of human rights in particular countries.<sup>19</sup> (iv) a Research, Studies and Prevention of Discrimination Section prepares studies and reports on the promotion and protection of human rights requested by human rights organs; assists in the drafting of international instruments on human rights being discussed by human rights organs.<sup>20</sup> (v) an Advisory Services Section administers the programme of advisory services and technical assistance in the field of human rights. (vi) an External Relations, Publications and Documentation Section, responsible for ensuring the effective functioning of the external relations aspects of United Nations human rights programmes and policies.

Some thinkers advocate that the Universal Declaration of Human Rights should not be viewed as a "static document" as this would see it end up as "unenforceable and unrealistic". It is the degree of unity which subsists in the minds of the readers which alone can give to it a meaningful content ... "And as that unity grows it can be given a more concrete shape – as, for example, has already been done in the case of the two Covenants on Human Rights and the Optional Protocol."<sup>21</sup> It would be fitting to consider in the same light the basic ideological differences which seem to have sharpened in the last decade. In addition to the great power ideologies, Islam has presented itself as an alternative to almost a billion people globally. Is it therefore possible considering those cleavages to secure an agreement between these rival ideologies/civilisations on a practical programme of implementing the rights and freedoms that have been set forth by the Universal Declaration? Furthermore, is it possible to resolve the problem of designing

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<sup>19</sup> The author spent a period of one month (June to July, 1990) directly assisting the Chief of this Section, but more importantly Mr. Galindo Pohl the special representative on Iran appointed by the Commission to study the reported violations of human rights in that country.

<sup>20</sup> The author spent the first month of internship (May to June, 1990) assisting the Chief of the Section to prepare a *travail-preparatoire* on the *Convention on the Rights of the Child*.

<sup>21</sup> A.F. Brohi, "United Nations and Human Rights – II", *Pakistan Horizon*, vol.XLII, no.5, January 1989, p.46-47.

international machinery and procedures for the implementation of human rights?

As referred to earlier on in this chapter, the procedural and implementation part of contemporary international human rights is largely restricted to national jurisdiction. The Universal Declaration, though "widely accepted",<sup>22</sup> is only a stage in the achievement of international human rights; each state retains full sovereignty to determine the adequacy of its achievements. The Covenants do impose strict legal obligations on those who accept them by becoming parties to the treaties, but in the light of what was briefly mentioned earlier on cleavages in rival ideologies/civilisations, national performance cannot be fully subject to international supervision.

Before the onset of Islamic revivalism – a phenomenon of which one of the end products was the creation of the Islamic Republic of Iran – there was a more or less secular attitude among Muslim nations, which showed a willingness and desire to use the United Nations, especially the Commission on Human Rights, to create and elaborate human rights norms. With the consolidation of the Islamic government in revolutionary Iran, the Muslim nations of the world were imbued with a desire to interpret the provisions laid down in the Quran with regard to their human rights. This became a rallying point for Muslim populations to question the social policies of their ruling elites.

In parallel, the UN system has also been through a struggle in the last decade. Two conflicting trends need to be elaborated. Firstly moves to internationalise norm creation and to extend the specificity and acceptance of international human rights are on the increase. There are certain groups, among them legal experts who believe that no development has been more significant for the development of human rights than the trend towards internationalisation.<sup>23</sup>

Secondly, there are widespread, vociferous, and usually effective claims of national sovereignty which counter any efforts to internationalise the scope of application of human rights norms. This is revealing of a general weakness which characterises what Donnelly refers to as the

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<sup>22</sup> Measured by the number of State Parties who have ratified or acceded, the Universal Declaration may plausibly be judged to have attained the status of customary international law.

<sup>23</sup> See for example H. Lauterpacht, *International Law and Human Rights*, Hamden, Connecticut, Shoe String Press, 1968. "The Internationalisation of Human Rights", *Proceedings of the General Education Seminar*, vol.6, New York, Columbia University Press, 1977.

United Nations-centred "human rights regime".<sup>24</sup>

## II. The Problematique of International Human Rights

It remains extremely difficult to accept the concept of international human rights, let alone implement them universally, especially when international human rights are essentially viewed as a purely Western construct generated by political thinkers from England, France and the United States.<sup>25</sup>

The San Francisco Conference which laid the foundations of the United Nations in 1945 was convened and hence controlled by Western countries, and the adoption of the Universal Declaration of Human Rights by the UN General Assembly in December 1948 was the product of the legal and political thought which had developed in Europe and America from the seventeenth to the twentieth century.<sup>26</sup> Thus, to believe and accept that it was a universal declaration is in many ways to contradict the facts of modern history.

Apart from the many non-Western states who had yet to gain independence in 1948, not all countries supported the Universal Declaration. The USSR, South Africa and Saudi Arabia abstained from voting, they had their own ideological systems to interpret and support human rights.

In 1948, many Muslim nations objected to the inclusion of Article 18 of the Universal Declaration which states that individuals have the freedom to change their religion. Saudi Arabia in particular attempted to have this article deleted,<sup>27</sup> because the Quran explicitly prohibits the renunciation of Islam by a Muslim. In this respect, according to some academics, the Universal Declaration which is now in force seems to be "predicated on the assumption that Western values

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<sup>24</sup> "International Human Rights: A Regime Analysis", *op.cit.*, p.609.

<sup>25</sup> See Adamantia Pollis and P. Schwab, "Human Rights: A Western Construct with limited applicability" in A. Pollis (ed.), *Human Rights: Cultural and Ideological Perspectives*, New York, Praeger Publishers, 1979, pp.1-18.

<sup>26</sup> The ideas of thinkers like Grotius, Locke, Montesquieu, Jefferson and Mills during the seventeenth to the eighteenth century were already incorporated in such political instruments as the English Petition of Rights (1627), The Habeas Corpus Act (1679), the American Declaration of Independence (1776), the United States Constitution (1727), the American Bill of Rights (1791) and the French Declaration of the Rights of Man and Citizens (1789). Based on discussion with Raymond Kelly, (PhD student of political philosophy, University of Kent at Canterbury, 1989).

<sup>27</sup> *Human Rights Documents*, 98th Congress, 1st Session, 1983, Committee Print, p.66.

are paramount and ought to be extended to the non-Western world."<sup>28</sup> Such values are either not acceptable or are meaningless in non-Western societies.<sup>29</sup> For instance, the socio-political and cultural systems prevailing in the Western world lay emphasis on the individual. It is believed in some non-Western countries that "the individual is an integral part of the greater whole, of a group within which one has a defined role and status. The basic unit of traditional society has varied – the kinship system, the clan, the tribal, the local community but not the individual."<sup>30</sup>

In Islam, human rights are conferred upon the individual by God and not by any human authority or legislative body. This of course is the ideal: where the rights of the individual cannot be subject to any modification and are binding on every Muslim, every Muslim Society and every Muslim state.<sup>31</sup> In reality most Muslim nations today are subject to a dual set of rules which is a hybrid between the secular civil code and the Islamic code. Thus when a state attempts to organise itself along Islamic lines i.e. a strict implementation of provisions as laid down in the Quran, there arise instances where there may be a disagreement with codified international human rights law.<sup>32</sup> However as the preceding footnote suggests, the basic rights due to individuals in Muslim societies are not very different from those set down in the Universal Declaration of Human Rights. Albeit tolerance for different belief systems have to be accompanied by an awareness of the more blatant violations, such as mistreatment of prisoners and political opponents.

Taking into account the ideological dilemmas which exists in the interpretation of "international human rights", this chapter will move on to examine the nature of human rights in Iran.

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<sup>28</sup> *Human Rights: Cultural and Ideological Perspectives, op.cit.*, p.8.

<sup>29</sup> References and arguments made by the Islamic Republic of Iran in this context will be discussed in succeeding section.

<sup>30</sup> *Human Rights: Cultural and Ideological perspectives, op.cit.*, p.8.

<sup>31</sup> Some of the most important human rights sanctioned by the Quran are the right to life (5:32); the right to safety of life (5:32); the right to a basic standard of life (51:12); the right to equality of human beings (49:13); the right to social justice (5:3, 5:8, 4:135); the protection of honour (49:11-12); the sanctity and security of private life (49:12,24:27); the protection from arbitrary imprisonment (6:114); freedom of expression (9:71,22:41) and the right to cooperate or not to cooperate (5:2). (First number in bracket, for example 5 in (5:32) signifies the Chapter number, second number signifies the verse number).

<sup>32</sup> For example the provisions laid down in the Quran with regard to justice and punishment differ vastly from the International Covenant for Civil and Political Rights.

### III. The Political and Legal Nature of the Human Rights Situation in Iran

Human rights in Iran can be viewed from several different perspectives. Given the aims set out at the beginning, it becomes necessary to examine the political dimensions of human rights in pre-revolutionary Iran in relation to legal provisions and their implementation. Reference will also be made to President Carter's emphasis on a more morally oriented foreign policy and the extent to which this had an effect on the Shah's handling of human rights in Iran.

Iran was one of the 44 states which voted in favour of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights on 10 December 1948, and in April 1968 the Shah spoke in support of the declaration when opening the International Conference on Human Rights in Tehran.<sup>33</sup> Furthermore, Iran has ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Iran, however, has not ratified the Optional Protocol to the Covenant, which would permit individuals to have complaints regarding violations of their human rights examined by the Human Rights Committee.

In October 1976, the Shah himself, when asked about the total number of political prisoners in his country, stated that there were perhaps 3,000.<sup>34</sup> The deputy director of SAVAK, Parviz Sabeti, stated in an interview in September 1976 that there were 3200 political prisoners.<sup>35</sup> Estimates made by foreign journalists and exile groups ranged from 25,000 to 100,000.<sup>36</sup> These discrepancies in figures based on the lack of information and the propaganda efforts of opposition members makes a real evaluation difficult to this day.<sup>37</sup> Moreover during the reign of the Shah, NGOs like Amnesty International were never given an opportunity to visit Iran. Hence most of the information was provided by former prisoners and the families of prisoners, usually living in

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<sup>33</sup> For details on the International Year for Human Rights see *Keesing's*, vol.XVI, 1968, p.22545. For *Proclamation of the Tehran Conference on Human Rights* see *Keesing's*, vol.XVII, 1969, pp.23193-23195.

<sup>34</sup> *Le Monde*, 1 October, 1976.

<sup>35</sup> *Washington Post*, 3 September 1976.

<sup>36</sup> *Amnesty International Monograph* entitled 'IRAN', *Amnesty International Briefing Papers*, November 1976, p.6.

<sup>37</sup> During my internship at the Centre for Human Rights in Geneva, I came across the names of a number of persons on lists compiled by opposition groups which had appeared in lists prepared in previous years. One of my jobs was to cross check these names before preparing a final list for the attention of the Iranian Government.



the West. Before examining the more contemporary nature of the Human Rights situation in Post-Shah Iran it would help to briefly examine the same in Pahlavi Iran. This would identify the areas of continuity and change in human rights policy in Iran.

#### **(i) The Political Context**

The suppression of political opposition in Pahlavi Iran was carried out by SAVAK. SAVAK'S activities extended beyond Iran to all countries which had sizeable Iranian communities. In particular, Iranian students abroad were subject to added surveillance. There have been numerous reports of the activities of SAVAK officials attached to Iranian embassies and in August 1976 the Swiss government expelled an Iranian diplomat accredited to the United Nations in Geneva because he was involved in "prohibited intelligence activities."<sup>38</sup>

Political repression increased in 1975 when the token opposition Mardom Party was abolished and the one-party system – with the formation of Rastakhiz (National Resurgence) Party was introduced – when announcing the formation of the Rastakhiz, the Shah declared that those who refused to support it could either leave the country or go to prison.<sup>39</sup>

#### **(ii) Legal Situation**

(a) Among the numerous articles of the Iranian Penal Code and the Military Penal Code and Procedures under which political prisoners were held, those listed below were the most commonly used.

**Iranian Penal Code: Articles 1-7** of the Act for the punishment of persons acting against the security and independence of the state provide for the punishment of persons "forming or belonging to organisations opposed to the monarchy, or having a collectivist ideology"; "working for the separation of part of the State"; "taking armed action against the government"; "making propaganda inside Iran on behalf of people committing the above crimes or acting against the

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<sup>38</sup> *International Herald Tribune*, 31 August 1976. I was told of this incident by an Iranian who was a student in Geneva during this time and allegedly also under surveillance.

<sup>39</sup> *International Herald Tribune*, 4 March 1975.

constitutional monarchy outside Iran". Sentences under these articles ranged from three years imprisonment to death.<sup>40</sup>

Articles 61, 62 and 63 of the Iranian Penal Code provided sentences from two years to death for anyone who "assists a foreign state to attack or enter Iranian territory or who has communication with an enemy of Iran which benefits the enemy politically and militarily."

Articles 64, 65 and 66 deal with espionage offences, all punishable by a mandatory death sentence.

**Military Penal Code and Procedures.** Articles 316-320 provide for the trial and punishment of those "participating in, or plotting, the assassination of the Shah or Crown Prince".

#### **(a) Arrest and Detention Procedures**

There existed a difference between the legal provisions concerning detention and actual practice. Although SAVAK was responsible for the internal security of the state, the Military Justice and Penal Review of 1938<sup>41</sup> provided that where the investigator orders an arrest, the agreement of the Office of the Military Prosecution (an entity independent of SAVAK) must be secured within 24 hours. However, in practice SAVAK conducted the entire investigation and the suspects reportedly did not have access to a lawyer and were often held incommunicado until brought to trial or released.<sup>42</sup>

#### **(b) Conduct of Trials**

All trials of political prisoners were held before military tribunals, with attendant military counsel for the prosecution and the defence. Upon completion of the SAVAK investigation, the accused was allowed access to a defence counsel 10 days before the trial. The counsels for defence were usually retired army officers with no knowledge of law. Proceedings were usually

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<sup>40</sup> A report in one of Tehran's largest daily newspapers stated that penalties for some of the above offences were to be increased, see *Kayhan International*, August 20, 1975.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

held in camera. The court was composed of four serving officers, sitting without a jury.

The prosecution was not required to produce evidence in court if the case originated from SAVAK files, and the defence was not allowed to introduce evidence to support the case other than the testimony of the defendant. In practice the defendant was presumed guilty and those who recanted before the court received shorter sentences.<sup>43</sup>

### (c) Allegations of Torture

The codified law in pre-revolutionary and post-Shah Iran expressly prohibits the use of torture and the practice of holding prisoners incommunicado for long periods before the trial, as the latter invariably leads to torture during the period between arrest and trial. Allegations of deaths under torture were, however, not uncommon.

The Shah, in an interview with a French daily, never denied that torture existed in Iran. "Why should we not employ the same methods as you Europeans? We have learned sophisticated methods of torture from you. You use psychological methods to extract the truth: we do the same."<sup>44</sup>

### (d) Capital Punishment

According to Amnesty International reports judicial executions were common in Iran. Since the beginning of 1972 [report published in 1976] well over 300 executions of people tried by military tribunals had taken place. In July 1974 the Iranian government announced that 239 drug smugglers or pedlars had been executed since 1972. But owing to insufficient information and the summary nature of trial procedures, NGOs and human rights bodies regard the official description of such executions with reservation.<sup>45</sup> This was also a feature which characterised executions of persons in 1988/1989.

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<sup>43</sup> These observations of the trial Procedure were confirmed by a political refugee who has been living in Europe since 1975 and who is a lawyer by profession. In his own case he was detained without charges and had his sentence reduced on appeal. *Discussions held in Geneva*, 1990.

<sup>44</sup> See *Le Monde*, 1 October 1976.

<sup>45</sup> *Amnesty International Briefing Papers*, November 1976, *op.cit.*, p.9.

The Shah's government forces killed many political activists in the streets or during police raids, the worst of which took place in 1978.<sup>46</sup> It was during this period that President Carter insisted that human rights should start playing an important role in US foreign policy, and this sparked off a debate in his administration.<sup>47</sup> This debate may have altered the policies of the Carter presidency towards strategically less important regimes in Latin America. But the national interests of the US in Iran could not be jeopardised on grounds of human rights. President Carter's visit to Iran in 1977 confirmed this and helped in a way to legitimise the actions of the Shah's regime.<sup>48</sup> According to some authors "when human rights are stressed today it is usually as a radical manifestation of some more vital strategic interest".<sup>49</sup>

On the other hand, the Carter administrations reference to human rights in foreign policy did have an effect on the movement opposed to the Shah within Iran. Individuals and groups began to explore the boundaries of political activity hitherto denied to them. In order to appease the Carter administration, the Shah attempted to accommodate political opposition, which only encouraged open and hostile activities. The Shah reacted with brutal repressive measures, often followed by concessions, a pattern which was interpreted as a sign of weakness.<sup>50</sup> However, when President Carter arrived in Tehran in December 1977, he described Iran as an 'island of stability' and the Shah as a popular statesman. In the following year – particularly on September 8 1978 commonly known as "Black Friday" – many unarmed demonstrators were killed. President Carter took time out from his Camp David discussions and assured the Shah over the phone of

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<sup>46</sup> "Most reliable estimates are that between 20,000 and 65,000 Khomeini supporters were killed in the streets during 1978". See Richard Falk, "Human Rights in a Revolutionary Situation: Preliminary Observations on the Iranian Case", *Bulletin of Peace Proposals*, vol.10, no.2, 1979, p.179.

<sup>47</sup> There were two schools of thought, one of which supported 'a more moral foreign policy' and "another which supported human rights values (along with an increased mobilisation of military power) as an element in a renewed ideological offensive against the Soviet Union". Marshall D. Shulman, "On learning to live with Authoritarian Regimes", *Foreign Affairs*, vol.55, no.2, January 1977, p.325.

<sup>48</sup> Lynne Shivers, 'Inside the Iranian Revolution', in D.H. Albert (ed.), *Tell the American People: Perspectives of the Iranian Revolution*, Philadelphia, Movement for a New Society, 1980, p.79.

<sup>49</sup> Richard W. Cottam, 'Comment: Human Rights in Iran Under the Shah', *Case Western Reserve Journal of International Law*, vol.12, no.1, winter 1980, p.132. Prof. Cottam adds: 'Pointing to Soviet violation of human rights for example is an exercise likely to be indulged in most enthusiastically by the very elements in the American government that were most protective of the Shah'.

<sup>50</sup> In my discussions with certain Iranians in Tehran, there was a belief that the Shah was actually too magnanimous and was not prepared to resort to unlimited levels of violence against his people. It was also their opinion that, had he done so, the revolution might never have come to pass.

continuing support. For an opposition responding to the Carter administration's call for human rights in foreign policy since early 1977, there was no longer any doubt. They saw Carter as a hypocrite, confused in the area of human rights.<sup>51</sup>

Some authors argue that Carter's human rights policy in Iran was a "doctrine without a strategy".<sup>52</sup> Policy-makers in Iran under the Shah attributed President Carter's preoccupation with human rights to his religious background. In the opinion of Stanley Hoffman the subject of human rights is by definition confrontational and can be a dangerous issue, inevitably increasing tensions with our enemies. If pursued very avidly, it reduces potential cooperation on a number of other world issues. The same author adds that a human rights based policy is almost always complicated by the problem of consistency and thereby treating human rights separately from all other issues may distort foreign policy.<sup>53</sup> It may be said that this analysis explains to a considerable extent US-Iran relations in the period leading up to the demise of the Pahlavi regime.

#### **IV. Human Rights and the Islamic Revolution in Iran**

This section will address some of the myriad of issues regarding the human rights situation in post-revolutionary Iran. How did it evolve? How did the United Nations come to regard it as a situation which merited an individual mandate? What were the political and humanitarian causes which resulted in the Human Rights Commission appointing a special rapporteur to study the question of Human Rights in the Islamic Republic of Iran? Finally, consideration will be given to the impact the human rights question continues to have on Iran's international relations and policy formulation.

During the last stage of the revolutionary struggle – that is between the time that the Shah left on January 16, 1979 and the surrender of the armed forces on February 11 – there was a proliferation of arms into the movement. The immediate aim was to gain total control over the state, particularly the military bureaucracy. The dissident elements in the armed forces and the guerrilla

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<sup>51</sup> *Kayhan International*, January 7, 1978.

<sup>52</sup> "Comment: Human Rights in Iran under the Shah", *op.cit.*, p.321.

<sup>53</sup> Stanley Hoffman, "No Choice, No Illusions", *Foreign Policy*, no.25, Winter 1976-1977, especially pp.126-128.

groups (People's Fedayeen and Mojahedin) carried the conflict to unmanageable proportions (with what was left of the Shah's army and police) before securing a complete surrender of the imperial forces.

It was in the wake of this struggle that the circumstances were created for retribution. Although the morale of the armed forces was at its lowest, there nevertheless remained the old leadership which not only posed a threat to the revolution but in the minds of many needed to be brought to justice. This resulted in a wave of summary executions which, according to certain members of the revolutionary high command were unavoidable because a more orderly process might have exposed the country to an anti-revolutionary coup.<sup>54</sup> The threat within the revolutionary movement became apparent in the forming of various factions in the aftermath of the collapse of the Pahlavi regime. The left was a major contender for power in the post-revolutionary phase, while the various militant groups who had lost a number of their guerrillas over the years wanted their share of credit for the victory. And the main ethnic minorities accounting for almost half of the country's population urgently pressed for autonomy and hitherto suppressed rights. These myriad demands posed a challenge to the revolutionary leadership, and were seen by them as prime targets for outside forces who may have wanted to weaken the new government in Iran.<sup>55</sup> It is against this background that human rights in Iran should be examined.

Special courts, known as Islamic Revolutionary Tribunals, were established in Iran after February 1979. These tribunals had full authority of the Komitehs (or religious revolutionary councils) to see that "revolutionary justice" was meted out. Executions were mainly directed against those loyal to the Shah, including leaders of the armed forces, and those who were felt to be associated with the SAVAK and a number of ordinary criminals.<sup>56</sup> The arbitrariness of the

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<sup>54</sup> Based on discussions in Geneva, June 15 1990.

<sup>55</sup> Iranian memories and fears of a US-sponsored coup in 1953 which toppled Mossadegh's government added to the general xenophobic feeling. This was apparent in the hostile opposition to Bazargan's cabinet which struggled to preserve the secular and technocratic legacy of the Pahlavi regime.

<sup>56</sup> "To have occupied a position of responsibility within the Imperial Army [was] held to be maintaining the Shah's rule over a defenceless people" and "Participation in strengthening the colonialist hold", these have been among the changes which have resulted in arbitrarily execution. All those charged and convicted of the above offences were declared to be "corrupt on earth" (Mofsed-e-Fel'Ayz). Executions also took place for counter-revolutionary offences and abroad category of both violent and sexual crimes". See "Law and Human Rights in the Islamic Republic of Iran", (a report covering events within the seven month period following the Revolution of February 1979), *AI Index: MDE 13/03/80*, February 1980, p.7.

trials violated certain rights of the accused, but must be seen in the light of the revolutionary turmoil and the fear of outside intervention.

Mr. Mehdi Bazargan assumed office as head of a "Provisional Revolutionary Government". It resigned on 6 November 1979 and the Islamic Revolutionary Council assumed full responsibility for the affairs of state. During the brief period in which the Provisional Government was in office it had no control over the Islamic Revolutionary Tribunals; they were completely independent bodies.<sup>57</sup> Earlier that year, in April 1979, during a session of the United Nations Human Rights Committee the Iranian delegate, Mr. Shemirami, said that Iran, "as a state party to the International Covenant on Civil and Political Rights, would in due course submit a report to the Human Rights Committee in conformity with Article 40 of the Covenant".<sup>58</sup>

In the confusion which took place in the aftermath of the fall of the Shah's forces, a host of human rights stood to be violated. Both secular and religious leaders were engaged in efforts to restore some semblance of order. Public appeals for calm were continuously being broadcasted on "Voice of the Revolution" radio. In the first two weeks of the victory, Tehran's main prisons were full of persons arrested by the revolutionary militia, mainly comprising "SAVAK" agents and "counter-revolutionaries". Those arrested were handed over to the Komitehs, whose function was to restore order to their locality and promote the message of the Islamic Revolution. Arrests without proper authorisation or by persons unconnected with either the militia or the Komitehs were common.<sup>59</sup>

Local revolutionary Komitehs were created and assumed certain responsibilities in the wake of the revolution's success. This consisted of groups of people who took over jurisdiction in local quarters. Komitehs were primarily formed to perform a security function, for example, patrolling

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<sup>57</sup> This is clearly indicated in an excerpt from an interview with Mr. Mehdi Bazargan published in the *International Herald Tribune* on 31 October 1979 in which he said – "I have already explained to you that the revolutionary tribunals are not subject to the government, they do not act in accordance with the government, they are completely outside my control".

<sup>58</sup> "Law and Human Rights in the Islamic Republic of Iran", p.6, paragraph 28.

<sup>59</sup> One of the earliest indications of the existence of arbitrary arrest procedures, undertaken without proper authorisation is reflected in a statement made by Ayatollah Khomeini. This statement forbade the public to enter private houses or to make arrests without authorisation. "You must identify the criminals to the provisional Islamic government so that steps can be taken for their arrest and trial. This is an Islamic order and acting contrary to it is not permissible". Quoted in *ibid.*, p.18.

the streets during the night. The Komitehs were quite autonomous, owing their allegiance only to the leaders of the revolution. Since the Komitehs operated outside the preview of the Government and lacked any unified command structure, they were the most likely to exercise their authority without any restraint.

The undisciplined nature of the Komitehs behaviour was regularly reprimanded by the religious leaders of the revolution. Ayatollah Shariat-Madari issued a communiqué in which he said,

"It is repeatedly heard that armed ... individuals forcefully enter houses to arrest what they call the criminals of the former regime thus causing fright and inconvenience among the families. Such individuals are warned once again that the majority of the former government's employees are decent citizens and that the punishment of those responsible for the past crimes ... falls exclusively under the jurisdiction of the provisional Islamic government ... Such actions otherwise would be illegal and would be regarded as an anti-revolutionary act."<sup>60</sup>

In order to curb the excesses of the Komitehs, which seemed to seriously undermine the credibility of the revolution, Mohammad Riza Mahdavi-Kani, Chief of the Central Provisional Komiteh for the Islamic Revolution, issued a set of regulations setting out the functions and activities of all Komitehs. The situation did not improve immediately and unlawful arrests continued. The command staff of the Corps of Islamic Revolutionary Guards<sup>61</sup> or Pasdaran issued a statement saying that it expected "all our dear compatriots to continue, as before, to cooperate with the responsible authorities and with the Komitehs of the Islamic Revolutionary Guards in furthering the aims of the revolution by informing on counter revolutionary elements and by uncovering and neutralising their plots and treacherous anti-popular actions ..."<sup>62</sup>

The situation with regard to the Komiteh began to deteriorate at such a speed, that the Revolutionary Prosecutor-General issued a statement withdrawing all powers which were hitherto exercised by the Revolutionary Komitehs. A statement by Revolutionary Prosecutor-General Mehdi Hadavi addressed to, "All the revolution prosecution departments, the revolution Komitehs and the revolution grounds throughout the country [ordered] that all warrants issued for the detention of persons or property ... for the search of houses up to the present date by the Revolution

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<sup>60</sup> PARS News Agency "Daily News" (in English), Tehran, 24 February 1979, p.3.

<sup>61</sup> The full title of this corps in Persian reads "Setad Farmandahiyek Sepah-e Pasdaran-e Engelab-e Islami".

<sup>62</sup> BBC summary of World Broadcasts (SWB), 23 March 1979, (ME/6074/A/16).



Public Prosecutor are repealed and invalid ... violators of any rank or office related to any political or military organisation shall be prosecuted ... [and] dismissed from revolutionary organisations and severely punished."<sup>63</sup>

This was followed by a circular addressed to the Central Komiteh from the Tehran Prosecutor Abolfazl Shahshahani, explaining that the Tehran Police were ready to exercise law and order functions and that the prosecutors in Tehran and its suburbs would only accept files if they were accompanied by reports from police stations.<sup>64</sup>

All these efforts however, did not manage to correct the situation especially with regard to unlawful arrests and forced entry into homes. In Khuzestan for example, a province experiencing armed conflict between the Arab and Persian groups, Ayatollah Shaikh Mohammad Taher al Shabbir Khaqani said that "irresponsible people enter the homes of people and create havoc among them."<sup>65</sup> There were further attempts made by the Islamic Revolutionary Guards corps who, in a public statement, warned against those who posed as Guardsmen and entered homes to steal. The statement also explained that no revolutionary guard was allowed entry into private homes without a valid warrant from the Public Prosecutor and a personal identification card.<sup>66</sup>

Continued illegal arrests, confiscation of private property, extra-judicial punishments etc, were seriously threatening the internal cohesion of the country. Most precarious was the position of the revolution itself vis-a-vis the people. There was wide-scale dissatisfaction with the security organs of the revolution. Ayatollah Khomeini was well aware of the situation and this is reflected in some of the speeches he made during that period.

"We are at present on the borders of being in great danger, which is worse than the danger of the previous regime ... when a man, after finding himself free, after he has seen the walls of despotism broken, after emerging from the prison of 35 million people, breaks the bridle, and does whatever he likes ..."<sup>67</sup>

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<sup>63</sup> BBC SWB, 17 April 1979, (ME/6093/A/6). Announcement by the Revolutionary Prosecutor-General Mehdi-Hadani.

<sup>64</sup> BBC SWB, 24 April 1979, (ME/6099/A/9 and ME/6099/A/10). Circular issued by the office of Tehran Prosecutor Abolfazl Shahshahani. The prosecutors circular made it clear that ... "the central police department of the country, the Tehran police and subsidiary police units and personnel with full equipment, [were] ready to preserve security and public order".

<sup>65</sup> Quoted in "Law and Human Rights in the Islamic Republic of Iran", *op.cit.*, p.24.

<sup>66</sup> BBC SWB (ME/6111/A/9) 9 May 1979.

<sup>67</sup> Excerpted from a speech made by Ayatollah Khomeini in Qom in the month of June 1979. Quoted in "Law and Human Rights in the Islamic Republic of Iran", *op.cit.*, p.29.

In unequivocal terms he admonished the Pasdaran (Revolutionary Guards) for not respecting Islamic principles while exercising their powers. "Are you only a Pasdar [Revolutionary Guard] and possess a rifle and power to enter into houses and trample on the self-respect of people? Is this the training of Islam, or is this anarchy?"<sup>68</sup>

In order to diffuse an anarchic situation from developing, due to the rivalries which existed within the revolutionary bodies responsible for justice and internal security,<sup>69</sup> Ayatollah Khomeini announced a general amnesty.

"All those accused of certain criminal acts under the former regime are to be pardoned, with the exception of those who have committed murders or have issued orders for such acts ... To identify such crimes, a body faithful to the Islamic revolution shall be responsible."<sup>70</sup> He further added, with regard to the Shah's armed forces, "... the three branches of the forces are being pardoned, and I and the noble people forgive them ... (with the exception of those accused of murder, torture or connected with ordering such actions against the people.) However, until such time when their guilt is proven within the context of the religious law, no-one has the right to cause them any trouble."<sup>71</sup>

The above statements reflect a genuine concern felt by the leaders of the revolution especially with regard to the limits of revolutionary justice. All the same, non-governmental organisations like Amnesty International started an awareness campaign of the abuse of human rights in Iran. The campaign was hugely successful because "... powerful outside interests were aligned with the policies of the old order in Iran, an enormous incentive exist[ed] to discredit the new order. The most prevalent way to achieve this result was to point up human rights abuses that support a most malicious falsehood: namely, that what has happened in Iran is that one tyranny has been replaced by another."<sup>72</sup> This belief was however reinforced with the taking hostage of American diplomatic personnel in Tehran in 1979.

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<sup>68</sup> *Ibid.*

<sup>69</sup> According to discussions held in Tehran, one of the largest prisons (Qasr) had been taken over by elements who refused to accept the authority of the Tehran Public Prosecutor. These people were apparently using the prison since the revolution to hold counter-revolutionary elements. This led the Public Prosecutor to issue strict orders to the competent authorities not to make further arrests (for fear of overcrowding other prisons) till Qasr had been handed back to his office.

<sup>70</sup> *BBC, SWB*, 10 July 1979 (ME/6163/A/7).

<sup>71</sup> *BBC, SWB*, 10 July 1979 (ME/6163/A/8).

<sup>72</sup> Richard Falk, "Human Rights in a Revolutionary Situation: Preliminary Observations on the Iranian Case", *Bulletin of Peace Proposals*, vol.10, no.2, 1979, p.181.

#### IV.1 The United Nations and Human Rights in Iran

The mood in the United Nations during this period was predictable. Only the year before, following a General Assembly resolution, the drafting of a Convention against the Taking of Hostages was underway. The Convention demanded of state parties to help promote the maintenance of international peace and security and to respect the right to life, liberty and security of person, as set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Iran did not take part in the deliberations and failed to vote in finalising the text of the Resolution.<sup>73</sup>

On 4 November 1979, a group of Iranian students occupied the American Embassy in Tehran and held its staff hostage. A little more than a month later, the International Convention against the Taking of Hostages opened for signature. Almost pre-empting what was to follow for some states, the General Assembly in its 1979 session re-opened a proposal going back to 1972 and 1976 – i.e. measures to outlaw international terrorism. An ad hoc committee was established which met in New York from 19 March to 6 April 1979. The committee's debate centred on a working paper jointly submitted by Iran among other countries.<sup>74</sup> The paper presented a list of socio-political and economic causes, and stated that it was in the nature of some states to dominate, exploit and expand. Colonialism, imperialism, racial discrimination, interference in the internal affairs of other countries also figured as prominent causes. The debate in the General Assembly was marked by considerable disagreement regarding the definition of international terrorism. While some states felt it amounted to hijackings and the taking of hostages, others felt that it was a deliberate choice of states to further their foreign policy objectives. It was decided to put off discussions till the thirty-sixth session.<sup>75</sup>

In the light of the continuing crisis, Khomeini announced that, unless the United States

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<sup>73</sup> Following up *General Assembly Resolution 33/19* of 29 November 1978, the General Assembly's *Ad Hoc Committee on the Drafting of an International Convention Against the Taking of Hostages* held its third session at Geneva from 19 January to 16 February 1979.

<sup>74</sup> Other countries were Algeria, Barbados, India, Nigeria, Panama, the Syrian Arab Republic, Tunisia, Venezuela, Yugoslavia, Zaïre and Zambia. *Yearbook of the United Nations*, New York, United Nations, vol.33, 1979, p.1146-1150.

<sup>75</sup> *Ibid.*

delivered the Shah to Iran, there could be no release of hostages. Efforts were also made by several Western personalities including the Palestinian Liberation Organisation's spokesman to the United Nations to secure their release.<sup>76</sup> This period marked the beginning of the formation of an international opinion detrimental to Iran. On the urging of the United States, the matter was taken up by the Security Council where a number of countries voiced their desire to take part in the discussions. The general view of the Council was that Iran's taking of hostages violated the fundamental principles of international law and diplomatic practice. Among the non-members of the Council, Egypt stated that the ongoing situation was contrary to Islam, others called upon Iran to release all hostages immediately and fulfill its obligations to international law, whatever grievances it had against the United States. After consultations with the permanent and non-permanent members of the Security Council and at the proposal of the United States Secretary of State, Secretary-General Kurt Waldheim made preparations to visit Iran to seek the release of hostages.<sup>77</sup>

Dr Waldheim visited Tehran from January 1 to 4, 1980 with the threefold purpose of finding solutions to the continuing crisis which was openly referred to as the US-Iranian crisis by the Soviets; the case of the personnel of the United States embassy; and the grievances of the Iranian people in relation to the previous regime. Events on the second day of his stay in Tehran prompted one journalist to comment "Dr Waldheim recognised that we would not shift from the position we had taken. When he faced the thousands in front of the embassy asking for the Shah to be repatriated and met those tortured in the Shah's prisons he promised to carry our problems to the United Nations".<sup>78</sup> On returning to the US the Secretary General proposed that an international inquiry be held into Iran's allegations of United States' involvement in the Shah's regime, especially with regard to widespread human rights abuses.<sup>79</sup> President Carter, however, insisted

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<sup>76</sup> See *Keating's*, vol. XXVI, 1980, pp. 30205-6.

<sup>77</sup> At their request the representatives of Australia, Austria, Belgium, Canada, Egypt, the Federal Republic of Germany, Greece, Iran, Italy, Japan, Liberia, Malawi, Mauritius, the Netherlands, Panama, Spain, Sri Lanka, Swaziland, Yugoslavia and Zaire were invited to participate in discussions. The Security Council met for the first time over five days from 27 November to 4 December 1979.

<sup>78</sup> The words of a journalist in Tehran, who during the upheavals had just completed his military service in the Imperial Army. October 31st 1980, Tehran.

<sup>79</sup> *International Herald Tribune*, 4 January, 1980.

that there could be no preconditions for the release of the hostages and the United Nations Security Council should impose sanctions without any delay.<sup>80</sup>

Apart from the hostage crisis there was a combination of factors that led the United Nations to show continued interest in the situation of human rights in Iran. Measures taken to secure the revolution from within and to enforce Islamic law, especially in large urban centres resulted in drawing the attention of non-governmental human rights agencies. The findings of these agencies were widely used by governments in whose interest it was to exert pressure on Iran. Political opposition groups like the People's Mojahedin of Iran (PMOI) came to wield a lot of influence on the UN Centre for Human Rights in Geneva. The PMOI, which is based in Paris, kept the Centre flooded with information on the Human Rights situation in Iran. They provided lists of names of persons who had disappeared and were alleged to have been executed. A majority of the cases provided by the PMOI lacked basic information and hence could not be treated as authentic. Nevertheless, the sheer number of cases provided by the PMOI ensured that at least some would be included in the Centre's memorandums to the Iranian Government.<sup>81</sup>

However, the single most influential factor which got a number of Western Governments to put additional pressure on the Centre to reprimand Iran in the harshest terms, was the latter's alleged treatment of a religious minority (whom the Constitution of Iran does not recognise as such) called the Baha'is. After the hostage crisis had come to an end, the reported ill-treatment of the Baha'is in Iran became the *cause celebre* of many governments in their relentless pursuit of implementing international human rights. During the 1981 session of the Commission on Human Rights, the situation of Baha'is was on the agenda of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (hereby to be referred to as the Sub-Commission).

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<sup>80</sup> On 31 December 1979, the Security Council adopted resolution 461 (meeting 2184) by 11 votes to 0 and 4 abstentions (Bangladesh, Czechoslovakia, Kuwait and the USSR). The resolution called for effective measures to be taken under Articles 39 and 41 of the Charter in case of non-compliance by Iran. The Soviet Union felt that since the issue was between Iran and the United States, it should be settled bilaterally and hence did not fall under Chapter VII of the Charter or merit the use of sanctions. For full text of the resolutions see *S/INF/35 Resolutions and Decisions of the Security Council, 1979*, p.24.

<sup>81</sup> During my internship at the Centre for Human Rights in Geneva, one of my tasks was to cross-check the names of persons disappeared or allegedly had been executed. On one such occasion I came across a number of names provided by the PMOI which had been repeated or where the surname of one person had been substituted for the forename and vice-versa.

Canada<sup>82</sup> and Australia<sup>83</sup> circulated *notes verbales* drawing the attention of the Secretary-General to the fact that the situation of Baha'is had been discussed in their respective national parliaments. In this light it was requested that the issue should be discussed in the forthcoming session of the Sub-Commission. During the thirty-eighth session of the Sub-Commission, the situation concerning the Baha'i community was discussed and a resolution adopted. The resolution, while calling for protection of the rights and freedoms of the Baha'is, implied the conviction that the Iranian Government desired to eliminate the Baha'i Faith from the land of its birth.<sup>84</sup>

Hitherto silent, Iran in a *note verbale* informed the Secretary-General that "human rights and fundamental freedoms of the individual are enshrined in the Constitution", which provides that 'Zoroastrian, Jewish and Christian Iranians shall be the sole recognised religious minorities'. Quoting Ayatollah Moussavi Ardebili, President of the Supreme Court, the note added, "The rights of non-Muslim Iranians are protected in the same way as those of Muslim Iranians ... it should be noted that there are numerous Iranian Baha'is living in complete security in Iran ... The only ones who are prosecuted and sentenced are those who have been involved in acts of espionage and often activities contrary to the higher interests of the Islamic Republic of Iran".<sup>85</sup> In conclusion, it was also mentioned that the issue of the maltreatment of the Baha'is was part of a campaign to discredit the Islamic Revolution.<sup>86</sup>

Resolution 8 (XXXIV) of 13 August 1981 resulted in the Secretary-General beginning direct talks with the Iranian government. It also marked the beginning of the United Nations involvement in studying the human rights situation in Iran. On 3 November 1981, the Secretary-General in a *note verbale* drew the attention of the Minister of Foreign Affairs of Iran to the Commission's concern about the 'perilous situation faced by the Baha'i Community', and

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<sup>82</sup> See *United Nations Document* (hereby referred to as UNDoc) E/CN.4/1476.

<sup>83</sup> See UNDoc., E/CN.4/1478.

<sup>84</sup> The text of Resolution 8 (XXXIV) of the Sub-Commission can be found in UNDoc. E/CN.4/1517. The resolution was adopted by 19 votes to 0, with 3 abstentions. According to a UN functionary connected with the organisation of the Sub-Commission, the Baha'is were able lobbyists within the Commission and Sub-Commission and were able to convince members of their belief that the Iranian government's treatment of their community was tantamount to genocide.

<sup>85</sup> UNDoc. E/CN.4/1516 and E/CN.4/Sub.2/475.

<sup>86</sup> *Ibid.* The Iranian officials accredited to the UN have always maintained that they consider all questions related to human rights as being politically motivated and hence equivalent to an interference in the internal affairs of their country.

requested further information.<sup>87</sup>

In a reply, the Iranian government maintained that measures were taken against only those Baha'is who were involved in spying and other acts of treason 'in the interest of foreigners'.<sup>88</sup>

The reply of the Iranian government failed to satisfy the Sub-Commission and, in his report to the Commission at its 1981 session, and the Secretary-General listed his own initiatives. In conjunction with operative paragraph 4 of resolution 8 (XXXIV), notes were sent to the following non-governmental organisations (NGOs) 'requesting information about the treatment of Baha'is in Iran': the Council of Europe, Amnesty International, the World Council of Churches, the International Federation of Human Rights, the International League for Human Rights, the International Commission of Jurists, Pax Romana, the World Moslem Congress, the Islamic Conference and the Baha'i International Community.<sup>89</sup> This formidable array of NGOs explored every channel to gather information, thus widening the issue and setting the precedent for future NGO involvement. Many of the above mentioned NGOs were funded by powerful governments, but conclusive proof of this is beyond the scope of discussion here.

The Council of Europe took a unified stance, its Committee of Ministers deplored the fact that the fundamental rights of the Baha'is were not safeguarded in Iran and supported the Secretary-General of the United Nations in the execution of the mission entrusted to him by the Sub-Commission.<sup>90</sup> The old and influential Baha'i International Community, which is a category I NGO with consultative status to the ECOSOC, provided a report listing the alleged systematic persecution of Baha'is in Iran.<sup>91</sup> During the last decade and in particular after the appointment of the Special Rapporteur, the plight of the Baha'is has received continuous attention. Their situation seemed suddenly to change for the better in the late 1980s, aspects of which will be discussed later on in the chapter.

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<sup>87</sup> UN Doc., Note no. G/SO 234 (25).

<sup>88</sup> The Iranian government has maintained all along that the Baha'is in Iran have close links with the Israeli state. This belief according to the Baha'is is based on the fact that one of the main shrines at which they congregate is in Haifa, Israel.

<sup>89</sup> UN Doc., E/CN.4/1517.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.* The Secretary-General's report contains a summary report of the Baha'i International Community's findings. The full report is filed with the Secretariat.

If analysts attribute 'direct and indirect complicity of western governments, particularly the United States and Israel, in constructing the Shah's instruments for administering terror',<sup>92</sup> one may ask to what end? The answer may be found in a document to the House of Representatives prepared by the United States Department of State, which lists the following reasons:

- (1) Iran's defence of its long border with the Soviet Union;
- (2) the transportation and communications bridge between Europe and Asian countries to the east;
- (3) Iran's interest in assuming major Persian Gulf security responsibilities previously carried out by the British;
- (4) Iran's willingness to serve as a reliable source of critical amounts of oil for the United States, Israel, our European allies and Japan; and
- (5) Iran's activities as a politically stabilising force throughout that important region from Turkey to the Indian sub-continent'.<sup>93</sup>

To bolster this strategic role envisaged by the United States for Iran, the former sold it arms, turned a blind eye to its human rights record. With the advent of the revolution, apart from Iran's animosity towards communism<sup>94</sup> the rest of the United States strategic concerns in the area seemed to be in jeopardy. Fearing that the US may use covert means to re-establish the status quo the revolutionary leadership took every measure to secure the state from within. In an early move made in order to neutralise opposition forces comprising nationalistic and non-Islamic political groupings, the Islamic Revolutionary Council headed by Ayatollah Khomeini called for a referendum on the country's future constitution.<sup>95</sup> The wording of the referendum question was criticised<sup>96</sup> and even boycotted by some political groups.

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<sup>92</sup> "Comments: Human Rights in Iran under the Shah", *op.cit.*, p.121.

<sup>93</sup> Marvin Zouki, 'Human Rights and American Foreign Policy: The Case of Iran', in *Toward a Humanitarian Diplomacy: A Primer for Policy*, (ed.), Tom J. Farer, New York University Press, New York, 1980, p.159.

<sup>94</sup> The Islamic government has always been opposed to Marxism. On March 5 1979 the then deputy Prime Minister Dr. Ibrahim Yazdi said 'we are Moslems ... Marxism, based on dialectical materialism, is fundamentally opposed to the Islamic vision ...' *Keating's*, vol.LXXVI, 1980, p.30141.

<sup>95</sup> The referendum was held on March 30-31, 1979. All Iranians above the age of 16 years were asked to vote either in favour of an Islamic Republic or against it.

<sup>96</sup> The question the referendum asked was, 'Are you for the replacement of the monarchy by an Islamic republic, the Constitution of which will be approved - yes or no?' The Mojahedin Khalq Organisation and the Fedayen-el-Khalq move-



Among those who called for a boycott of the referendum were seven Kurdish left-wing groups.<sup>97</sup> Between the announcement of the referendum and after the establishment of the Islamic Republic of Iran in April 1979, the major internal security problem faced by the government was the Kurdish separatist campaign. In August-September 1979 the Iranian government took serious retaliatory measures gaining control of many Kurdish command centers. The government accused the Soviet Union, without directly naming it, as the principal suppliers to Kurdish separatists. In the ensuing confrontations there were casualties in civilian areas and some Kurds were executed. The Kurds, just as in the reign of the Shah, were regarded by the leadership as communist agents. However, given the seriousness of the confrontations, the Iranian leadership attempted in late 1979 to open negotiations dealing with autonomy for Kurdish and other regions. But by early 1980 clashes renewed, by which time the conflict had further splintered to one between rebel and pro-government Kurds. As a result of the escalation of the conflict, heavier weapons came into use which began to take higher civilian tolls.<sup>98</sup> The motives of the Iranian leadership's treatment of the Kurds and other ethnic minorities were summed up in a statement by Dr. Mehdi Bazargan in September 1979, as one (i) of showing all minority groups the "futility of insurrection"; (ii) to boost the morale and stiffen the backbone of the badly demoralised armed forces; (iii) to deny the left-wing opposition in the country a rallying point i.e. the cause of the Kurds.<sup>99</sup>

In the aftermath of the declaration of the Islamic Republic of Iran, Ayatollah Khomeini made numerous references to the question of human rights in his speeches. It was his interpretation which alarmed the proponents of the Universal Declaration. "Does the Human Rights Society not conceive of the fact that the guilty must be executed in order to protect human rights ... our belief is that an obviously guilty person does not have a trial."<sup>100</sup>

ments condemned the wording of the question. The National Democratic Front, formed by the grandson of Dr. Mohammed Mossadeq, Mr. Masime Daftari was also against the referendum. *Keating's*, vol. XXVI, 1980. p.30143.

<sup>97</sup> The groups which were most active were the Kurdish Democratic Party of Iran led by Mr. Abdel Rahaman Qasemlu and those led by Shaikh Ezzedin Houseni, *ibid.*

<sup>98</sup> See *Keating's*, vol. XXVI, 1980 pp.30301-30306. The nature of Amnesty International's reporting of the Kurdish situation in 1982 is sketchy owing to a lack of reliable information. See *Amnesty International 'Human Rights Violations in Iran'*, *AI Index: MDE 13/09/82*, dated 7 September 1982, p.14.

<sup>99</sup> Reported in *The Guardian*, 10 September 1979.

<sup>100</sup> 'The Deprived will Dominate the Arrogant' Imam Khomeini in a radio and television announcement, April 3 1979.

It was this early portrayal of human rights by the leadership which urged Iranian diplomats and delegations to the United Nations to seek a position which would be less vulnerable to the onslaught of certain governments. Some international lawyers are of the view that Iranian diplomats achieved this by insisting that Islamic law was superior to international human rights law. Furthermore, failure to abide by the letter of the multilateral human rights treaties entered into by the previous government was construed by some as a contravention by Iran of its international obligations.<sup>101</sup>

In 1981, Ambassador Khorasani made amply clear the Iranian position in the General Assembly's Third Committee. He said that since the United Nations was a secular body, and the Universal Declaration a secular instrument, it was only natural that vagueness and ambiguity characterised the concept of religion in the International Covenant on Civil and Political Rights. This in his opinion made secular bodies (such as the UN Commission on Human Rights) unqualified to deal with religious matters and requested that such bodies not address connected issues like human rights. Ambassador Khorasani added that if the UN persisted in its enquiries in this area and if the "results of such efforts were contrary to Islamic laws, they would be precluded under [Iranian] Constitution from being practised in Iran."<sup>102</sup>

Similarly, while Iran's report was being discussed by the Human Rights Committee, one member ventured to ask whether a study had been made between the provisions laid down in the International Covenant on Civil and Political Rights and the laws of Iran.<sup>103</sup> The Iranian representative replied "... if the intention was that [international human rights instruments] should complement and add to the Islamic laws with a view to harmonising them in a single legal system, then his Government would have to respond negatively ... if, however, it was intended that international instruments on human rights and Islamic laws should be taken together in an effort

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in *Selected Messages and Speeches of Imam Khomeini*, The Ministry of National Guidance, Tehran, The Hamdami Foundation, 1980, p.7.

<sup>101</sup> Some works have argued that since the Iranian government does not dispute the multilateral treaties signed under the Shah it automatically accedes to them. See Paul D. Allen, "The Baha'is of Iran: A Proposal for Enforcement of International Human Rights Standards", *Cornell International Law Journal*, vol.20, no.2, summer 1987, pp.347-350.

<sup>102</sup> *United Nations General Assembly Official Records* (hereby to be cited as *UNGAOR*), A/C.3/36/SR.29.

<sup>103</sup> *UNGAOR*, Supplement no.40, A/37/40, p.66.

to achieve mutual understanding and to explore what they had in common, then such an endeavour would be accepted with pleasure".<sup>104</sup>

Some diplomats viewed the Iranian reply as an evasive ploy to avoid the demands made of them by the Universal Declaration of Human Rights and the two human rights covenants. This attitude towards United Nations Human Rights law was largely responsible for the ever increasing pressure brought to bear upon Iran, which culminated in the appointment of a special representative to study the situation of human rights in Iran.

Preceding this appointment, the United Nations Commission on Human Rights initiated the appointment of a Special Rapporteur on Summary or Arbitrary Executions.<sup>105</sup> The first special rapporteur was Mr. Amos Wako of Kenya, though his mandate clearly instructed him not to 'respond effectively' but only to gather information, examine the question and report to the Commission.<sup>106</sup> He went on to identify 37 governments that were allegedly responsible for Summary and arbitrary executions. He then sent a memorandum containing the allegations to the concerned governments and received a response from 16 of them, one of which was the Islamic Republic of Iran.<sup>107</sup>

The allegations made against Iran were based upon information received from governments, international organisations and NGOs in consultative status with the ECOSOC.<sup>108</sup> The allegations detailed summary executions of 'opponents of the Government', 'persons involved with drug smuggling and selling', 'persons accused of sexual and moral offences', 'ethnic groups such as Kurds and Turkomans', 'members of religious groups such as Jews and Baha'is'. Particular reference was made to the alleged 'systematic elimination of members of the Baha'i faith' and 'members and supporters of organisations such as the People's Mojahedin Organisation of Iran

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<sup>104</sup> *Ibid.*, p.72.

<sup>105</sup> The mandate of the special rapporteur was based upon the 1980 resolution that established the working group on Summary or Arbitrary Execution. The duty of the special rapporteur is to "examine the questions related to summary or arbitrary executions" and to report annually to the Commission. See *Commission on Human Rights (hereby referred to as CHR) Resolution 1982/29*, UN Doc., E/CN.4/1982/30, paragraphs 2-3 and 147.

<sup>106</sup> *Ibid.*, UN Doc., E/CN.4/1982/30, paragraph 147.

<sup>107</sup> The allegations and responses of the 16 governments are summarised in his report to the 39th session of the Commission. See UN Doc., E/CN.4/1988/16.

<sup>108</sup> *Ibid.*, p.3.

(PMOI)'. The report added that the 'estimates of executions' varied 'from between 4,500 and 20,000'. Most cases allegedly were carried out without a trial and even when trials were held by the Islamic Revolutionary Tribunals, procedural safeguards '... were totally lacking'.<sup>109</sup>

The government of Iran responded both orally by meeting the special rapporteur in Geneva and by handing him a written reply. The opening paragraph of the reply accused the "West" of manipulating the 'delicate structure of social heterogeneity of Iran to impede the achievement of complete solidarity'. In this respect it was 'certainly not a coincidence that all communications regarding "human rights" problems in Iran came from either the United States, Britain or France', the three main countries which offered political asylum to people affiliated to groups ranging from 'rightist monarchists to leftist terrorists'. The reply went on to refute the claims made by the militant wing of the PMOI – the Mojahedin Khalq Organisation, and made lengthy references to the structure and provisions of the Iranian judicial system. It also added a list of the alleged acts of terrorism committed by opposition groups within Iran.<sup>110</sup>

Mr. Amos Wako's initiative shown in his first report was criticized by members of the Commission, particularly by representatives of those governments that had been discussed. In the following year he was again reminded that his mandate forbade him to 'respond effectively', which resulted in the second and third reports omitting most references to countries.<sup>111</sup> Compliance led to his mandate being renewed with greater consensus in the following years.<sup>112</sup>

By 1983-84, due to steps taken by the Iranian government towards internal security, a

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<sup>109</sup> *Ibid.*, p.31. In discussions with a UN functionary who assisted Mr. Amos Wako in the preparation of his reports and had access to the information files, it becomes apparent that the huge quantity of information supplied by the Baha'i International Community and the PMOI did shape the outcome of the first and subsequent reports, with regard to Iran. This was the case with other countries too, where opposition groups had set up quasi-non-governmental organisations to further their cause. It is no secret that these organisations receive funds from governments and corporations who have a vested interest. As mentioned before this kind of explanation does not cover up or justify the miscarriage of justice or the abuse of human rights in these countries.

<sup>110</sup> The replies are contained in the form of two notes; both are annexed to *UNDoc.*, E/CN.4/1983/16, (Annex IX), pp.12-30. The Mojahedin Khalq Organisation does not seem very popular in Iran. In Tehran the people detest them for their terrorist attacks on civilian targets and the role they played in aiding the Iraqi army. In Tehran their leader Massoud Rajavi is often referred to as the, 'revolutionary of the bridal chamber' because of his various marriages over the past decade.

<sup>111</sup> See *UNDocs.*, E/CN.4/1984/29 and E/CN.4/1985/17. These reports reprinted telex messages Mr. Wako sent to governments, without clear authority, to avert much publicised cases of persons facing execution.

<sup>112</sup> See *CHR Resolution 1984/50*, and *UNDoc.*, E/CN.4/1984/77, paragraphs 8-9 and 85. And *CHR Resolution 1985/37*, and *UNDoc.*, E/CN.4/1985/66, paragraphs 3-5 and 79.

number of international human rights were seen to be violated. The dissolution of the Iranian Communist Party, TUDEH and the arrest of its leadership, the alleged detention and execution of members of the Baha'i faith, and clashes with Kurdish and Mojahedin insurgents received wide publicity.<sup>113</sup> On the external front, Iran came to be associated with international terrorism. The bombing of the United States Embassy in West Beirut on April 18 1983 was undertaken by the Islamic Jihad.<sup>114</sup> It is believed by Western intelligence that this group was made up of Shi'ite extremists, having ties with the Hizbollah or Party of God, and was directly aided by Iranian Revolutionary Guards based in Lebanon and Syria. In the aftermath of the pounding of Lebanon by the USS Virginia, on October 23, 1983, another suicide bomber struck at a building claiming the lives of 241 American Marine and Navy personnel.<sup>115</sup> Throughout 1983, American interests in the Middle East came under attack; however it was always extremely difficult to establish direct links between these incidents and Iran.<sup>116</sup>

With the elimination of non-Islamic political opposition in 1983 within Iran, accompanied by the limited successes of one of the many Iranian 'final offensives' against Iraq, there was much cause for alarm among those nations in whose interest it was to see Iran well and truly contained. This fear may have accounted for the relative reluctance on the part of the United Nations to condemn Iraq's use of chemical weapons against the Iranians.<sup>117</sup> The representatives of some Arab countries felt that Iran "had it coming" and should have grabbed the earlier chances of a ceasefire.<sup>118</sup> However, the early and mid-1980s saw renewed attempts by the United Nations to promote international human rights. Proposals for a "new international humanitarian order" and

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<sup>113</sup> See *Keesing's*, vol.XXX, 1984, pp.32690-32692.

<sup>114</sup> Rescuers retrieved parts of sixty-three American and Lebanese bodies. Robin Wright, *In the Name of God: The Khomeini Decade*, New York, Simon and Schuster, 1989, p.117.

<sup>115</sup> *Ibid.*, the author claims that in her interview with the Iranian Minister for the Revolutionary Guard, the latter admitted having trained the people who drove the truck, but denied having planned the attack on the Americans, p.120.

<sup>116</sup> *Ibid.*, pp.121-122.

<sup>117</sup> The resolution adopted by the First Committee with reference to the Prohibition of Chemical and Bacteriological Weapons during the thirty-eighth session of the General Assembly, failed to address the fact that chemical weapons had been used by Iraq. See *General Assembly Resolution 38/187* of 20 December 1983. In order to prove the use of chemical weapons, Iran hosted a conference in Tehran in late November. *The Guardian* of November 25 1983 and *The Times* of December 1, 1983, reported that British doctors could confirm the use of nitrogen mustard gas, which caused blistering of the skin.

<sup>118</sup> Discussions with the Arab delegates from the Persian Gulf region, who were referring to a letter from President Saddam Hussein of Iraq to the people of Iran, proposing a temporary cessation of hostilities in June 1983, see *UNGAOR A/38/268* and *UNDoc.*, S/15825.

"regional arrangements for the promotion and protection of human rights" received overwhelming support.<sup>119</sup>

#### IV.2 The United Nations Mandate on the Situation of Human Rights in Iran

Against the above background, the Iranian government's response to the United Nations' continuing interest in the situation of human rights went through a series of fluctuations. The pressure mounted by the Commission had begun to take on a clear pattern. Commission resolutions reminded Iran of its obligations, especially under the International Covenant on Civil and Political Rights. The treatment of the Baha'is also became a regular feature, but most dreaded of all was a paragraph which stated that the Commission had decided to continue its scrutiny of the situation.

The government of the Islamic Republic of Iran, however, continued to promise cooperation with the Commission, even agreeing to receive an envoy of the Secretary-General to study the situation at first hand.<sup>120</sup> Before this could materialise, the Secretary-General compiled a detailed report in accordance with an earlier Commission resolution. The report contained information from different sources, including Iranian opposition groups in exile.<sup>121</sup>

In many ways, 1983 saw the end of Iran's cooperation with the UN Human Rights Commission. The reasons for this are displayed in the debate<sup>122</sup> which followed the Secretary-General's report to the thirty-ninth session of the Commission. Of the eight member delegations which made statements,<sup>123</sup> only the Libyan Arab Jamahiriya 'commended the good intentions' showed by Iran by agreeing to cooperate. The other seven delegations referred to the lack of 'full respect

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<sup>119</sup> See *General Assembly Resolution 38/125* of 16 December 1983 concerning the new international humanitarian order, and *General Assembly Resolution 38/97* of 10 December 1983 in connection with regional arrangements for the protection of human rights.

<sup>120</sup> See paragraphs 4-8 of *UNDoc.*, E/CN.4/1983/52.

<sup>121</sup> The Secretary-General's report to the thirty-ninth session of the Commission on Human Rights with regard to the situation in the Islamic Republic of Iran is contained in *UNDoc.*, E/CN.4/1983/19. The report contained information from the (i) Government of the Islamic Republic of Iran, (ii) Amnesty International, London (iii) Baha'i International Community, (iv) International Commission of Jurists, Geneva, (v) Movement de la Résistance nationale Iranienne, or National Resistance Council led by Mr. Abol Hassan Bani Sadr, and (vi) People's Mojahedin Organisation of Iran also known as the Mujahedia Khalq Organisation led by Mr. Massoud Rajavi.

<sup>122</sup> Unofficial copy of the summary of the debate – provided by United Nations functionary.

<sup>123</sup> Canada, Ireland, Australia, Italy, the Netherlands, the Libyan Arab Jamahiriya, the Federal Republic of Germany and the United States of America.

for the provisions of the International Covenant on Civil and Political Rights' and unanimous concern for the plight of the Baha'i community in Iran.

During the early part of the debate, the Iranian delegation attempted to address several issues; significantly, the shortcomings of the Secretary-General's recent report. The Iranian delegation felt that the report had failed to show the 'effects of foreign intervention, military aggression and economic sanctions'.<sup>124</sup> The Iranian representative "deplored" that the Secretary-General had based a number of his observations on reports by Amnesty International. As the representative of the Secretary-General had been invited to visit Iranian prisons, the credibility of Amnesty International would be undermined. In reference to the allegations made by the Baha'i International Community, the representative was of the opinion that 'humanitarian problems must not be used to hide political motivation'. Lastly, the Iranian representative informed the members that even in war, Iranian troops do not open fire on Iraqi villages in the line of fire.<sup>125</sup>

It becomes obvious from the Iranian representative's statements that by showing the Commission its awareness of the human rights problem and reminding those concerned of its willingness to cooperate, the Iranian delegation hoped to ease some of the pressure.

In the latter half of the debate, the representative of Iran tried to demonstrate to the Commission that it was inappropriate for some delegations (Netherlands) to suggest keeping the situation in Iran under review because Iran was not abiding by the provisions of the International Covenant on Civil and Political Rights, when they (the Dutch) were not even signatories to that instrument. The Iranian delegation reminded the Commission that any abuse of the Iranian Government's goodwill could have negative repercussions on the visit of the Secretary General's representative.

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<sup>124</sup> During this period there were approximately 1.5 million Afghan refugees and 3.5 million Iraqi refugees fleeing the war, including Kurds. According to a journalist with Kayhan International in Tehran, many of these refugees had access to arms and were politically motivated. This put additional pressure on the Iranian security apparatus and often resulted in friction.

<sup>125</sup> Ayatollah Khomeini, the Iranian leader, pledged that Iran would never carry out attacks against Iraqi civilians, and he urged Army commanders to "ensure that not even one bullet is fired at Iraqi towns". Reported on Iranian radio. *Keesings*, vol.XXX, 1984, p.32689.

Following contributions from NGOs like the Minority Rights Group and the Baha'i International Community, the Commission decided to implement the Dutch representatives proposal for a draft resolution on the situation of human rights in Iran. Following the presentation of the draft resolution, the Iranian delegation alluded to the fact that if it was adopted the mission of the representative might not occur.<sup>126</sup>

The resolution was adopted on 8th March 1983, by a roll-call vote of 17 to 6, with 19 abstentions.<sup>127</sup> The statement of the Iranian representative following the adoption, characterised what was to become Iran's position on the question of human rights up until 1988-89.

"A whole year's work and cooperation with the Commission on the part of the Iranian Delegation has been no reward, and this failure confirms once more my previous conviction that the presence of the so-called Human Rights violations in Iran in the deliberations of this Commission is a purely political nature and has no relevance whatsoever to realities ... Those who voted in favour of the resolution should know that the revolution is a river of no return."<sup>128</sup>

In the same year (1983), the Secretary-General communicated to the Permanent Representative of Iran his intention to appoint a special representative. Iran's permanent representative replied that certain Commission members, disregarding Iran's invitation to a fact-finding mission, had "decided to manipulate the Commission for their own illegitimate interests by taking sheer allegations for objective facts".<sup>129</sup>

The Iranian delegation doubted the validity of the UN human rights bodies decision to appoint a special representative, because of the low percentage of countries voting in favour of such resolutions. For example, the ECOSOC resolution that was endorsed by the Second Committee in connection with a closer scrutiny of human rights in Iran was adopted by a minority

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<sup>126</sup> The draft resolution contained in *UNDoc.*, E/CN.4/1983/L.70/Rev.1 was presented at the 52nd meeting of the Commission of 8 March 1983. The resolution expressed "profound concern" at the "continuing grave violations" of human rights in Iran and requested the Secretary-General or his representative to submit to the Commission at its next session a detailed report, since it had decided to continue its "consideration" of the human rights situation in Iran. The situation of the Baha'is was also mentioned with regard to religious intolerance and persecution.

<sup>127</sup> See *CHR Resolution 1983/34*, and *UNDoc.*, E/CN.4/1983/13. The voting was as follows; *in favour*: Australia, Canada, Costa Rica, Fiji, Finland, France, Germany (Federal Republic of), Ghana, Ireland, Italy, Jordan, Netherlands, Rwanda, Togo, Uganda, United Kingdom, and United States of America. *Against*: Bangladesh, Cuba, Libyan Arab Jamahiriya, Mozambique, Pakistan, Tanzania. *Abstaining*: Argentina, Brazil, Bulgaria, China, Colombia, Cyprus, Gambia, India, Japan, Mexico, Philippines, Poland, Senegal, Ukrainian SSR, Soviet Union, Uruguay, Yugoslavia, Zaire and Zimbabwe.

<sup>128</sup> The representative of Pakistan requested that the draft resolution be reconsidered. *CHR Resolution 1983/34*, however, was the result of that reconsideration. *Quoted from unofficial minutes of the debate.*

<sup>129</sup> Quoted from a letter dated 17 August 1983, annexed to Secretary-General's report *UNDoc.*, E/CN.4/1983/.



vote.<sup>130</sup>

Reference was made again to Iran and human rights, when in 1983 the General Assembly unanimously voted for drawing up a Convention on the Rights of the Child. The Sub-Commission in a recommendation to the Commission for adoption of a draft resolution on child labour, asked that the Commission call on the Government of Iran to "cease immediately the use of children in its armed forces ..." and arrange to "offer all possible aid to children prisoners of war in Iraq".<sup>131</sup> During the next year, (1984) the Commission adopted a resolution (1984/39) without a vote calling upon Iran to stop using children in its armed forces. Nine countries stated that had there been a vote they would have abstained in view of the lack of evidence.<sup>132</sup>

The years 1984 to 1986 were eventful in so far as the Commission appointed Mr. Andrés Aguilar (Venezuela) as special representative to study the situation in Iran. At the beginning of 1986, however, Mr. Aguilar informed the Commission of his resignation.<sup>133</sup> In 1984, the Secretary-General appraised the Commission of the situation on human rights in Iran, in two reports.<sup>134</sup> The first report reproduced communications of previous years with Iran concerning the possibility of cooperation; but added that Iran was sceptical of the constructive consequences of any sincere fact-finding mission. The second report presented information on alleged violations specifically those pertaining to the rights of life, to physical integrity and freedom from torture, to fair trial and to freedom of conscience and opinion. In conclusion, the report observed that, in the four years since the Sub-Commission was first seized of the situation of the Baha'is in Iran, there had been no evidence of improvement.

There was a marked difference in the report presented by Mr. Aguilar to the Secretary-General's reports over the past four years to the Commission. For the first time it was ack-

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<sup>130</sup> *ECOSOC Decision 1983/147* was adopted by a recorded vote of 19 in favour, 3 against and 28 abstaining. *Yearbook of the United Nations*, New York, United Nations, vol. 37, 1983, p.880.

<sup>131</sup> See *CHR Resolution 1983/11*, *UNDoc.*, E/CN.4/1984/3. The Resolution was adopted by 12 votes to none, with 6 abstentions.

<sup>132</sup> The countries were as follows Argentina, Bangladesh, Senegal, Pakistan, China, the Libyan Arab Jamahiriya, India, Nicaragua and Tanzania. See *UN Chronicle*, volume XXI, no.5, 1984, p.59.

<sup>133</sup> See *UNDoc.*, E/CN.4/1986/25.

<sup>134</sup> See *UNDoc.*, E/CN.4/1984/32 and E/CN.4/1984/28.

nowledged that Iran had passed through a "difficult period" and that in "a revolutionary or post-revolutionary situation there are understandably debates about the philosophies, principles and doctrines which should guide the reconstruction of society in a spirit of justice and equity." He also reminded the government of Iran, that the "community of nations cannot accept that one State should isolate itself" by disregarding "a system of law which had developed through universal acceptance". He concluded by saying that he had not received any reply to his letters from the Iranian Government and appealed for cooperation in good faith.<sup>135</sup>

Mr. Reynaldo Galindo Pohl (El Salvador) who succeeded Mr. Andrés Aguilar was also inclined to make references to possible areas of cooperation in international human rights law and Islam. This was a chosen way to widen the scope of dialogue, which certain members of the Commission acknowledged they had, by their previous actions, helped to close.

If the campaign to draw world-wide attention to the situation of human rights in Iran among other countries was incomplete in any way, this shortcoming was rectified when the Commission appointed two additional special rapporteurs. The Special Rapporteur on Torture in 1985<sup>136</sup> and the Special Rapporteur on Intolerance and Discrimination Based on Religion or Belief in 1986.<sup>137</sup>

The Special Rapporteur on Torture transmitted allegations of torture to 33 governments based on material received from governments, the Organisation of American States and NGOs like Amnesty International. However, in order to "avoid angering these governments unnecessarily in his initial report", the Special Rapporteur identified "only those nations which were already on the Commission's agenda, that is, Afghanistan, Chile, El Salvador, Guatemala and Iran".<sup>138</sup>

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<sup>135</sup> See *UNDoc.*, E/CN.4/1985/20, paragraph 20. Iran, however told the Commission that "two years ago, it had invited the Secretary General's representative to visit Iran on condition that the Commission should not make any judgement without positive proof. The Commission had ignored that condition and had adopted resolution after resolution against Iran". *UN Chronicle*, vol.XXII, no.3, March 1985, p.47.

<sup>136</sup> The Commission gives authority to the Special Rapporteur to "respond effectively to credible and reliable information" or torture. *CHR Resolution 1985/33* and *UNDoc.*, E/CN.4/1985/66, paragraph 71.

<sup>137</sup> See *CHR Resolution 1986/20* and *UNDoc.*, E/CN.4/1986/65, paragraph 66.

<sup>138</sup> See David Weissbrodt, "The Three "Theme" Special Rapporteurs of the UN Commission on Human Rights", in *Current Developments, The American Journal of International Law*, vol.80, no.3, July 1986, p.693. These are some of the very real constraints faced by professional trouble shooters called in on special missions within the UN; while appeasing certain quarters it sets disadvantageous precedents for others.

The United States had much interest in pushing through a resolution which would establish a special rapporteur on religious intolerance, despite the fact that there was already a rapporteur under the aegis of the Sub-Commission studying the subject. Countries like the "Soviet Union and its allies in particular suspected that the special rapporteur might be used to criticize them". Due to extensive lobbying by the United States "that included appeals by US embassy staffs to the foreign ministries of the governments that sit on the Human Rights Commission", the resolution was finally adopted, establishing a special rapporteur on religious intolerance.<sup>139</sup>

After the resignation of Mr. Andrés Aguilar in January 1986, the Commission did not waste time in the appointment of a new special representative. In March 1986, Mr. Reynaldo Galindo Pohl (El Salvador) took up the mandate, which by now had fallen into two main parts:

- (i) "The contacts the Special Representative should try to establish with the Government of Iran" and
- (ii) "the preparation of a thorough study on the human rights situation in Iran".<sup>140</sup>

The resolutions emanating from the human rights bodies of the UN from 1986 onwards, laid special emphasis on the importance of a visit by the special representative to Iran.<sup>141</sup> Earlier mentions of such a visit contained in previous reports of the Secretary-General and the erstwhile special representative were brought to the forefront. To those working with the mandate on Iran, this seemed to be a new strategy, to elicit a response from the Iranian Government and thereby satisfy certain pressure groups operating within and outside the Commission. The second part of the mandate was to serve the same purpose; obliquely indicating to the Iranian government that in the absence of a visit, the Commission would take into full consideration the reports based on secondary sources.

With reference to the above, Mr. Pohl addressed a total of four letters, two to the Minister of Foreign Affairs of Iran and two to the Ambassador and Permanent Representative of Iran to the

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<sup>139</sup> *Ibid.*, pp.695-697, the author gives a concise account of the evolution and final adoption of the US sponsored resolution on the establishment of a special rapporteur.

<sup>140</sup> See interim report prepared by Mr. Pohl contained in *UNGAOR A/41/787* of 3 November 1986.

<sup>141</sup> The visit was specifically mentioned for example in *CHR Resolution 1986/41*.

United Nations Office at Geneva. In all the letters, he mentioned the utmost importance of a meeting to discuss the situation and arrange a visit – to this extent he gave possible dates for meetings under the auspices of the Center for Human Rights in Geneva. There was no formal reply at the end of 1986.<sup>142</sup> However, in an informal meeting held in November 1986 at the United Nations Headquarters with Mr. Pohl, the Iranian Ambassador to the United Nations discussed many aspects of the mandate, including the politicisation of the issue. The talks also weighed the possibility of a visit to the country.<sup>143</sup>

Certain methods adopted by Mr. Pohl in the compilation of his reports to the General Assembly and the Commission secured the Iranian government's cooperation. In most cases these involved taking on board the salient points of contention and re-interpreting them in a manner acceptable to all; (especially to the Iranian Government, whose cooperation if no-one else, Mr. Pohl sought in the fulfillment of his mandate).

Towards this end, Mr. Pohl first set out to establish the universality of international law and the trends in it to "increase the rights and freedoms under international protection". In this respect he spoke on behalf of "scholars and politicians" in Islamic countries, as those who have not advocated the change or the rejection of the provisions of the Universal Declaration, but have simply pointed out the problems that some countries confront in respect of certain international instruments.<sup>144</sup> In addition, by stating that "organised or semi-organized political groups, particularly those engaged in insurgency or insurrection, may be responsible for violations of human rights ... mainly the right to life ...", Mr. Pohl vindicated the Iranian Government's position on militant groups like the Mojahedin Khalq Organisation operating within Iran.<sup>145</sup> The Government in Iran had made many attempts to get the activities of militant opposition groups condemned as being criminal. Which had been ignored, on the grounds that it would justify the governments treatment of political opposition. Moreover, those responsible for producing the draft reports on the

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<sup>142</sup> For a summary of the letters sent and the new special representatives observations see *UNGAOR*, A/41/787.

<sup>143</sup> See *UNDoc.*, E/CN.4/1987/23.

<sup>144</sup> See *UNDoc.*, E/CN.4/1987/23, paragraphs 23-25.

<sup>145</sup> Summary Record of this meeting is contained in *UNDoc.*, CCPR/C/SR149.

situation in Iran, relied heavily on information supplied by some of these opposition groups.

Mr. Pohl's renewed efforts saw the mandate making progress by 1987; on June 9, the permanent mission of Iran to the United Nations addressed a *note verbale* and two documents to the Under-Secretary General for Human Rights. The *note verbale* suggested that after the special representative had examined the documents and expressed his opinion, a meeting could be arranged between officials of the Iranian government and the special representative to discuss ways to remove present difficulties for effective cooperation.<sup>146</sup> Mr. Pohl's reply to the Government noted that there were a "number of positive and encouraging elements" and that, "instead of formalising positions on paper, a more flexible approach could be to engage in a constructive and fruitful dialogue". In the ensuing meeting held at the permanent mission of Iran in Geneva, Mr. Sirous Nasser, (Director of International Affairs of the Ministry of Foreign Affairs of Iran) attributed his government's silence in the past to the "politically biased" nature of Commission resolutions. Mr. Nasser also stated that his government considered allegations from certain terrorist groups and the reference to the Baha'is as a religious minority. Mr. Pohl voiced his concern about the "protection of individual human beings" regardless of their political or religious connections, thus explaining the "motivations of the actions he had taken".

Mr. Pohl's reports targeted the Iranian government on cases concerning specific individuals and groups whose rights had been violated. He did this by grouping the alleged violation into five principal sections, in line with the International Covenant on Civil and Political Rights. These being

- (i) the right to life;
- (ii) the right to freedom from torture;
- (iii) the right to a fair trial;
- (iv) the right to liberty and security of person; and

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<sup>146</sup> The note and documents are contained in *UNDocs.*, E/CN.4/1988/12 and E/CN.4/Sub.2/1987/35.

(v) the right to freedom of thought, conscience and religion and to freedom of expression.<sup>147</sup>

This method called for a more accurate processing of the allegations levelled at the government and obliged the government to respond more effectively. By the end of 1987 the special representative had managed to reopen dialogue, according to some observers in a most comprehensive way, i.e. by eliciting detailed responses from the government to allegations of human rights violations,<sup>148</sup> and by establishing that any conflict between international law and Islamic law "should be studied in the light of concrete situations and cases ... in such a way that the international instruments on human rights would remain untouched ..."<sup>149</sup>

If there was any elation at re-opening communications with Iran or indications that the "frequency and number of allegations during the recent past [had] somewhat diminished",<sup>150</sup> it wasn't reflected in the resolutions emanating from the Commission. In the words of Iran's representative to the United Nations, "for a peculiar reason, as the situation in the view of the Special Representative is improving, the resolutions become lengthier, harsher in tone and language ..."<sup>151</sup> While keeping the level of politicisation of this particular mandate in mind, it is possible there existed other reasons for the continuing hard time the Iranian delegation complained of receiving from certain quarters of the Commission.

It is believed that certain members of the Commission were unhappy with the way Mr. Pohl was taking on board the Iranian legal arguments in his reports. For example, by acknowledging the importance of "the clarification of the question of compatibility of international law with Islamic law" and the possibility of a 'working arrangement',<sup>152</sup> Mr. Pohl was seen as compromising international human rights law. It may or may not be a coincidence that Resolution 1988/69

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<sup>147</sup> The information used in this respect was collected during the course of informal hearings conducted with various individuals and groups by Mr. Pohl. This was then reproduced under the above mentioned sections. See *UNDoc.*, E/CN.4/1987/23, paragraphs 41-62. Also see *UNGAOR A/42/648*, paragraphs 11-41, for an example of the method Mr. Pohl used to present allegations based on oral and written information to the Government of Iran.

<sup>148</sup> See note verbale dated 30 July 1987 contained in *UNDoc.*, E/CN.4/1988/12 (Annex II), which is a response to issues brought us by the special representative in *UNDoc.*, E/CN.4/1977/23.

<sup>149</sup> See *UNDoc.*, E/CN.4/1987/23, paragraph 8.

<sup>150</sup> *UNGAOR A/42/648*, paragraph 76.

<sup>151</sup> Quoted from a statement made by Mr. Mohammad Jafaar Mahalati, *Director-General of International Affairs of the Ministry of Foreign Affairs of the Islamic Republic of Iran*, before The Third Committee of the 42nd Session of the General Assembly. Dated 25 November 1987. *Unofficial copy*.

<sup>152</sup> *UNDoc.*, E/CN.4/198/24, p.17.

adopted by the Commission re-states the order of the above relationship – i.e. the "compatibility of Islamic law with international law". Further, in order to invalidate any debate which may have arisen from the special representatives' observation that the Iranian Government's ..." initial positions and theses with respect to the international protection of human rights" are "deeply enshrined in its cultural life and its current national movement",<sup>153</sup> the Commission while reiterating Mr. Pohl's conclusion that Iran had international obligations as a member of the United Nations and as a party to the covenants, added that it does "not admit exceptions on account of constitutional problems, rules and regulations of municipal law, or cultural or historical background."<sup>154</sup> Much of the tension which existed between Mr. Pohl and the Commission was because the former felt that "polemical approaches and divergence of views" were compatible" with "positive and constructive dialogue". In the absence of which, "the dialogue would become devoid of substance and would turn into a merely formal exercise".<sup>155</sup>

By the middle of 1988 a series of events ensured that winds of change would soon blow over the Iranian political scene. The wide-spread use of chemical weapons by Iraq forced a number of military set-backs for Iran in the war, most important being the loss of control over the Majnun Islands. The newly formed National Liberation Army of the Mojahedin Khalq Organisation began fighting alongside the Iraqis, which alienated them from the Iranian population. Iran's military position was rapidly deteriorating to a point where an alternative solution had to be found. Moreover, with the arrival of American warships in the Gulf and the downing of an Iranian passenger plane, Iranian politicians and military commands realized the futility of carrying on the military option. After much heated debate, the Majles (Iranian parliament) decided to allow speaker Rafsanjani and President Khamenei to take the issue up with Ayatollah Khomeini. Presented with the facts Khomeini supported the decision to bring the war to a close by accepting UN resolution 598.<sup>156</sup>

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<sup>153</sup> *Ibid.*

<sup>154</sup> *UNDoc.*, E/1988/12, E/CN.4/1988/88, p.146.

<sup>155</sup> See *UNGAOR A/43/705*, paragraph 58.

<sup>156</sup> An English daily published in Tehran reported that "The Islamic Republic of Iran accepted the UN resolution earlier this month for the cause of peace and stability in the region and in a goodwill move to prevent further loss of human lives"

The new period of peace was characterised by efforts to re-establish diplomatic relationships with certain countries and a number of countries responded positively, especially in the area of the reconstruction of Iran's economy.<sup>157</sup> Certain poignant questions were raised, primarily those concerned with relations with the United States, which caused deep divisions and separating clearly for the first time the "hardliners", from the "moderates". In this respect the latter felt that Iran would base any future relationship with Washington on "a certain set of fixed principles", keeping the "interest of the revolution and Islam on top" and expected the United States to "change their policy and act with mutual respect and refrain from interfering in [Iran's] affairs".<sup>158</sup> The hardliners on the other hand were against the re-opening of relations with the US.

During and after the Majles's vote of confidence in the fall of 1988, in which it rejected hard-line members or approved them by the narrowest of margins, there was a fear from certain quarters that outside elements may take advantage of the ongoing power struggle. This resulted in arrests and in some cases executions. NGOs like Amnesty International reported that the "new wave of political executions" was "believed to be the largest since the early 1980's".<sup>159</sup> According to information received by the special representative "most of those allegedly executed during the months of July, August and early September 1988 were reported to be members of the People's Mojahedin Organisation of Iran (PMOI). In this connection, Mr. Pohl's report quoted the Iranian Chief Justice as declaring, "the Judiciary is under very strong pressure from public opinion asking why we even put them (members of the PMOI) on trial ... and why all are not executed."<sup>160</sup>

In reply to the above allegations contained in Mr. Pohl's report to the General Assembly, the permanent representative of Iran to the UN stated that, the Mojahedin Khalq Organisation [affiliated to the PMOI] according to earlier reports in the International Herald Tribune of 8

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<sup>157</sup> Commenting on Iran's relations with "Western countries and the Soviet Union", Iran's deputy foreign minister for Euro-American affairs, Muhammad Javad Larijani, said that the "process had started long before Iran accepted the resolution in July". Any delay in this process he added was based on "a sort of fear of the Iranian revolution in some capitals". *Kayhan International*, September 11, 1988.

<sup>158</sup> *Ibid.*

<sup>159</sup> *Amnesty International*, "Iran: Political Executions", *AI index: MDE 13/29/88*, December 1988.

<sup>160</sup> *UNGAOR A/43/705*, paragraphs 47-49.



December 1987 had "affirmed having killed several thousand Iranian soldiers and taken hundreds of prisoners". The special representative stressed that members of all organisations, including those engaged in violent crime ... were entitled to the enjoyment of human rights".<sup>161</sup> Mr. Pohl added that "collection of first-hand information" continued to present certain difficulties and although "the state of full cooperation has not yet been achieved ... the Iranian Government continued to indicate its willingness" to increase its cooperation with the United Nations. References were also made of alleged torture, violations of freedom of thought and the situation of the Baha'i community against whom harassment had diminished in recent months.<sup>162</sup>

The spurt of alleged violations towards the latter half of 1988 had repercussions within Iran's political elite. Ayatollah Montazeri, the designated leader of the revolution, after Ayatollah Khomeini, in an open letter to Khomeini asked, "for what valid reasons ... has our judiciary approved these executions, which can result in nothing but damaging the face of our revolution and the system?" There was no formal reply, and execution of more PMOI members who were captured in battle or those imprisoned on earlier occasions continued.<sup>163</sup>

As mentioned earlier, it was part of Iran's foreign policy objective to use all diplomatic means possible to reduce the severity of Commission resolutions attributed to its treatment of human rights. Following from which, all efforts were made to stop the individual scrutiny of the Commission altogether. Iran was confident that by allowing the special representative to visit the country, this objective could be made more feasible.

Early in 1989 amidst the growing allegations of increased summary executions reported in the international press, the permanent representative of Iran to the United Nations reiterated his Government's position that the wording of resolutions emanating from the Commission, was "the major obstacle" to full cooperation between his government and the special representative. The permanent representative suggested that in the forthcoming session of the Commission, Mr. Pohl might "engage in some kind of dialogue" with both the "Iranian government and the sponsors of a

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<sup>161</sup> *Ibid.*, paragraphs 59-60.

<sup>162</sup> *Ibid.*, pp.19-22.

<sup>163</sup> *Op. cit.*, *In the Name of God: The Khomeini Decade*, p.196.

possible resolution, in order to achieve a compromise that could be acceptable to all parties". The special representative in his reply indicated that it would be "very useful" if "ways and means" could be discussed for "furthering such cooperation in concrete terms".<sup>164</sup>

The above communication is one indication as to the overt politicisation of human rights and its value as an instrument of foreign policy. The fact that the Iranians chose to expose the ways and means of ensuring further cooperation in the matter, is in itself indicative of the status of international human rights. However, recognising the difficulty of influencing members of the Commission who sponsored resolutions regarding Iran, Mr. Pohl suggested that the only solution for the government of Iran, was to take certain measures and ensure full cooperation with his office.<sup>165</sup>

Resolution 1989/66 of the Commission on Human Rights, adopted at its forty-fifth session, decided to extend the mandate of the special representative. The rationale of the Commission to extend the mandate, was to keep the question under consideration on the basis of additional information.<sup>166</sup> The bulk of "additional information" taken into consideration by the Commission and to a lesser extent by the special representative in the preparation of reports to the UN human rights bodies, was from sources considered illegitimate by the Iranian government.<sup>167</sup> Nevertheless it was a method which pointed out to the Iranian government the hazards of not cooperating directly and kept the issue alive on the Commission's agenda.<sup>168</sup> In communications from the Iranian government during the closing months of 1989, a last effort was made to point out what had always seemed to them a series of politically motivated irregularities concerning the mandate.

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<sup>164</sup> *UNDoc.*, E/CN.4/1989/26, pp.5-6. Report of Mr. Pohl to the Commission in Human Rights during its forty-fifth session.

<sup>165</sup> *Ibid.*, paragraph 77. The special representative suggested to the Iranian government (a) to investigate all allegations of human rights violations and to report in detail on the result of such investigations; (b) to take legislative and administrative steps to ensure fair trials; (c) to ensure that prison regime conforms to international standards.

<sup>166</sup> In compliance with paragraph 14 of *CHR Resolution 1989/66*.

<sup>167</sup> Co-operation between the special representative and Iranian government, according to the latter, remained obstructed for two reasons (i) language of the resolutions concerning the human rights situation (ii) and the sources of information used for the preparation of reports. See for example *UNGAOR A/43/705* paragraph 59 and *UNDoc.*, E/CN.4/1989/26 paragraph 61.

<sup>168</sup> For example, Mr. Pohl in his communications to the Iranian government would make it a point to mention that in keeping with Commission resolutions he aimed to conduct informal hearings with persons who claim to have first-hand knowledge and experience of various aspects of the human rights situation in Iran.

Nevertheless, the government expressed views on the suggestions made by Mr. Pohl (see supra-note 177).<sup>169</sup> In addition the Iranian government presented to the special representative, the relatives of the victims of terrorist attacks in Iran. This was firstly to counterbalance the huge number of exiled Iranians, on whose testimonies (written and oral) much of the 'factual section' of Mr. Pohl's reports was based. Secondly, it was to discredit the sources (especially the PMOI) of information with which the Centre for Human Rights was inundated. Thirdly, it has been speculated, that it was a last ditch effort to put off the visit of the special representative to Iran.<sup>170</sup>

### IV.3 The Visit of the Special Representative to Iran

Mr. Pohl's report to General Assembly in 1989 was officially considered as his penultimate report on the situation of human rights in Iran. Although it was understood by the members and particularly by the Iranian government that anything short of a visit by Mr. Pohl to the country would call for a definite renewal of the mandate and even the appointment of a new special representative. Considering these consequences and responding to the possibility of bringing the mandate to a close – Iran invited the special representative to visit the country in November, 1989.

The special representative made it clear that all guarantees and facilities accorded to fact-finding missions should be given to him as well as the United Nations staff accompanying him. This included

- (i) freedom of movement in the whole country and transport, in particular to restricted areas.
- (ii) Freedom of inquiry – access to prisons, centres of detention; contacts with witnesses and representatives of non-governmental organisations, with central and local authorities of all branches of government.
- (iii) Assurances by the government that no persons, official or private, who have been in contact with the special representative, will suffer threats, harassment, punishment or judicial

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<sup>169</sup> *Ibid*, pp.5-8.

<sup>170</sup> Lists of over a thousand people who were allegedly killed by terrorist groups, particularly the PMOI were communicated by the Iranian government to the special representative.

proceedings.

- (iv) Appropriate security arrangements, without restricting freedom of movement and inquiry.
- (v) Before, during and after the visit, the staff assisting the special representative must be given the same guarantees.

Apart from adjusting the dates of the visit by a few days, because of the unavailability of a particular Iranian official who was to be interviewed, everything else was agreed to in full by the Iranian government.<sup>171</sup>

Before leaving for Iran, the special representative gathered additional information, orally from witnesses and in the form of written statements. He also took into consideration information from the Iranian and international press. Lists of arrested and executed persons were handed to Mr. Pohl from Iranian Organisations in exile. The special representative also met with the Secretary-General of the People's Mojahedin Organisation of Iran (PMOI) and a representative of the National Council of the Resistance in Switzerland, who gave him a number of documents. In addition, information was also provided by the Iranian government and from the Baha'i community.<sup>172</sup>

The special representative began his visit in Iran by conducting a set of interviews with representatives of the Iranian executive, legislative and judicial branches of the government. Three important matters were discussed:

- (i) detailed replies to the cases the special representative has submitted and will continue to submit;
- (ii) the place of Iran in the international community;
- (iii) and Islamic values.

In this connection the Deputy Minister for International Affairs stated that replies to all

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<sup>171</sup> Confidential Sources.

<sup>172</sup> When the news of the visit to Iran was made public the special representative began to receive a wave of correspondence from varied sources, from Nobel Prize Winners to Western parliamentarians. Some of them gave suggestions on how the visit should be conducted.

cases will be made and that Iran "intended to take its rightful place in the international community". He drew attention to the importance of the invitation extended to the special representative, the clemency measures adopted and of a solution to problems relating to the implementation of human rights in accordance with international instruments. With regard to Islamic values, their meaning and significance for society and government, Mr. Pohl declared that he fully respected Islamic values and certain adjustments might be necessary to bring them into line with international standards in the area of human rights, while keeping in mind sensitive issues.

In the following days, the special representative met with high officials of the judiciary and attended a weekly plenary session of the Supreme Court. Mr. Pohl also attended the public trial of five persons accused of murder. The Minister of the Interior told the special representative that heavy casualties suffered on the battlefield by the members of the Mojahedin in July 1988 were being portrayed abroad as the en masse execution of invaders taken prisoners.<sup>173</sup> In the meeting with the Special Prosecutor for Drug Trafficking, Mr. Pohl raised the question of a large number of persons sentenced to death for drug trafficking. In this context, the prosecutor denied allegations that political prisoners were being executed in the place of drug traffickers.<sup>174</sup>

On the last leg of his visit, Mr. Pohl met with the Director- General of prisons and visited Evin prison. In Evin prison, the special representative met three former members of the Iranian communist party, TUDEH – Mr. Kianouri, its former Secretary-General, another high ranking member and a grass roots member. Mr. Kianouri in the presence of prison officials denied having spied for a foreign power and said that he had been tortured, showing Mr. Pohl his partly paralysed hands and crushed fingers. During his visit to the women's section, Mr. Pohl saw a seven or eight year old child and tried to determine what she was doing there, assuming she might be the child who according to a statement he had received in Geneva, was still in prison because her mother had escaped. According to explanations given, the child lived with her family, but had

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<sup>173</sup> UNDoc., E/CN.4/1990/24, pp.20-27. Excerpted from the report of the Special Representative.

<sup>174</sup> According to an Iranian newspaper, published in English, 14,000 drug traffickers were under arrest and about 900 awaited execution. *Tehran Times*, 7 December 1989. The special representatives report quotes the same newspaper in this context.

come to visit her mother, who was serving her sentence. While visiting the cells, the special representative asked for permission to see Mr. Roger Cooper. This request was turned down by the Director of Evin prison on the grounds that Mr. Cooper was a self-confessed spy, whose sentence had been handed down one month earlier. The Director was however unable to specify the length of the sentence.<sup>175</sup> Mr. Pohl also attended a session of parliament and participated at a round table at the Ministry of Foreign Affairs. In reply to a question on the role of international law, Ayatollah Jennati, a member of the Council of Guardians and chairman of the round table said, "any rule of international law that is not contrary to Islamic principles can be accepted, but a rule which flagrantly violates those principles will have to be rejected".<sup>176</sup> Ayatollah Jennati added that a draft declaration on human rights had recently prepared by experts meeting in Tehran.<sup>177</sup>

In accordance with previous practice, Mr. Pohl received oral testimonies from persons claiming to have "first hand experience" of the human rights situation in Iran. Here again, Mr. Kianouri of the TUDEH party "denounced the execution of thousands of young people when he considered totally innocent" and "considered himself exclusively responsible for any crimes ascribed to the Party". Some persons reported executions of relatives and friends and in most cases requested that their names be kept confidential. A large number of people testified against the acts of terrorism perpetuated by the Mojahedin, although there was at least one witness who stated that he was severely tortured for aiding Mojahedin activities inside Iran. Mr. Tavassoli, a former mayor of Tehran and a member of the Movement for Freedom, related his experience of having to spend a long period in solitary confinement and being "beaten, insulted" and "intimidated". Mr. Ibrahim Yazdi, former Foreign Minister in the first provisional government after the revolution, referred to cases in which "persons had not been released at the end of their prison sentences; some had been retried, some executed ... others simply kept in detention". He mentioned the case of his nephew Hassan Zadiri who was arrested instead of his brother, who had

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<sup>175</sup> UNDoc., E/CN.4.1990/24, pp.31-33.

<sup>176</sup> *Ibid.*, paragraph 161.

<sup>177</sup> See Annex I pertaining to Chapter VI of this thesis.

absconded. After being tried after three years of detention and sentenced to another seven years, last year his parents were informed that he had committed suicide. The special representative interviewed a number of other victims while in Tehran and categorised their testimonies under the following headings:

- (i) Torture
- (ii) Administration of Justice
- (iii) Right to leave the country
- (iv) Right of peaceful assembly and association
- (v) Right to legal counsel
- (vi) Situation of the Baha'i community
- (vii) Situation of the Armenian minorities.

In addition, during his visit to Iran, Mr. Pohl received hundreds of letters and other written communications.<sup>178</sup>

In what was supposed to be his final report to the Commission, the special representative stated that his visit to Iran marked a major development in the fulfilment of the mandate entrusted to him and the resolutions adopted by the General Assembly and the Commission on Human Rights. He observed that as a result of the revolution there was a deep split in Iranian society, in which terrorism played a part and had devastating effects on the people of that country. In this regard, Mr. Pohl observed that "insurgent groups should also respect human rights. While investigating the allegation that political prisoners had been executed under false charges of drug trafficking, the special representative ruled out any speculation, unless specific proof is submitted to him. In concluding his report Mr. Pohl noted that Iran had been "receptive to some criticisms made in earlier reports, for example, about public and mass executions of drug traffickers" and incorporating the time already served by prisoners into penalties, when their sentences are handed down. During Mr. Pohl's visit the following suggestions were, in principle, favourably received:

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<sup>178</sup> UNDoc., E/CN.4/1990/24, pp.37-51.

- (i) regular visits by International Committee of the Red Cross to prisons throughout the country to ascertain conditions;
- (ii) the possibility of the UN Centre for Human Rights providing technical assistance to the Government of Iran in matters pertaining to human rights;
- (iii) the acceptance of a programme to identify clashes or inconsistencies between Islamic law and international human rights law with a view to make it easier for the Iranian Government to bring its system into line with international standards;
- (iv) and consideration of requests the special representative may transmit on purely humanitarian grounds.

In conclusion Mr. Pohl, recommended that the Commission should continue to monitor the human rights situation in Iran and a further visit was desirable and even necessary ... "to broaden the study with many cases which it was not possible to collect".<sup>179</sup>

After Mr. Galindo Pohl left Iran, a major Iranian daily in English published an article titled "UN man 'satisfied' with human rights record in Iran". The author cited several instances of cooperation between the government and the special representative and quoted sources saying Mr. Pohl had expressed "his entire satisfaction" with the visit.<sup>180</sup> This mood of elation, however, triggered negative reactions from various quarters. Hardly 24 hours after the departure of the special representative (January 28, 1990) the UNDP office in Tehran received threatening phone calls accusing UNDP staff of collaborating with the Mojahedin. The callers on one occasion even issued a death threat to the staff. On contacting the Ministry of Foreign Affairs, the Deputy Minister for International Affairs assured the safety of all UNDP staff and stated that the callers were themselves part of the Mojahedin organisation set to destroy all that had been achieved.<sup>181</sup>

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<sup>179</sup> *Ibid.*, pp.51-55.

<sup>180</sup> *Tehran Times*, 31 January 1990.

<sup>181</sup> Confidential Sources.



#### IV.4 Reaction to the Special Representative's Report on the Situation of Human Rights in Iran

The Deputy Minister's speculation gradually proved to be true in the early months of 1990. In an UPI report filed in Geneva, "Mojahedin opposition movements charged that Pohl had seen prisoners and other people planted by the authorities" and even alleged that he had made "a behind the scenes deal" with Tehran. Mr. Pohl vehemently rejected the accusation calling it 'a lie' at a news conference.<sup>182</sup> The negative reaction of the Mojahedin Organisation, [in the words of one senior official of the UN who accompanied Mr. Pohl to Iran] "unfortunately found some echo in the international press".<sup>183</sup> The criticism accorded by the Western press to Mr. Pohl's report, in the words of one senior international civil servant, based in the United Kingdom, claimed to have caused widespread negative reaction in that country. He stated that he was receiving communications in writing and a number of telephone calls expressing amazement and utter indignation that Mr. Pohl could have accepted official assurances that there have been no executions for five months<sup>184</sup> given the evidence to the contrary. The only logical explanation to this "whitewash" of the Iranian authorities, he added, might be a deal regarding the hostages in Lebanon. In direct reply to these allegations of a hidden agenda a senior official of the United Nations stated that the negative reaction to Mr. Pohl's report was initiated by the Mojahedin Organisation, who prior to the Special Representatives visit lobbied for various unrealistic demands such as the inclusion of one of their representatives as part of the United Nations delegation to Teheran. He added that there was definitely no deal on the hostage issue and that he did not share the opinion of the report published in *The Independent*.<sup>185</sup>

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<sup>182</sup> The report was widely syndicated and appeared in *Kayhan International*, February 28, 1990.

<sup>183</sup> The senior international civil servant was alluding to an article which appeared in *The Independent* on 28 February 1990, titled "UN investigation denies doing deal over Iran atrocities".

<sup>184</sup> This is in reference to a part of 'The special representatives' report which read "certainly the deterrent character of the executions has disappeared because there have been none in public for five months, but many persons, probably hundreds, are still awaiting executions". As he was leaving the country, Mr. Pohl presented a request for clemency in this regard. See *UNDoc.*, E/CN.4/1990/24, paragraph 244. The period mentioned by Mr. Pohl i.e. "five months", in all probability was an oversight, but judging from the rest of paragraph 224 and the report as a whole it cannot be disputed that he was very much aware of the existence of executions.

<sup>185</sup> Confidential Sources.

In the meanwhile, in Iran, the new leader Ali Khamenei approved an amnesty proposal put forward by the judiciary chief applicable to all convicts found guilty by public, military or revolutionary courts before February 11, 1990 (Revolutions Victory Day). According to the proposal:

- (i) Convicts with 3 month prison terms will be set free with no regard to their previous records;
- (ii) prison terms of convicts with up to five year imprisonment will be reduced by two thirds;
- (iii) prison terms of those sentenced to up to twenty years will be reduced by three fourths;
- (iv) prison terms of these sentenced with higher or life imprisonment will be reduced to 15 years;
- (v) the exile terms of convicts who are in prison due to inability to pay fines will be reduced by two thirds.

Exceptions to the above provisions are for convicts who are found guilty of:

- (i) Hoarding
- (ii) Embezzlement of more than 500,000 rials (7,200 US\$)
- (iii) Receiving bribes of more than 50,000 rials (720 US\$)
- (iv) Illegal seizure and plundering of public funds.
- (v) Armed and highway robbery.
- (vi) More than one offence of burglary.
- (vii) Sexual offences.
- (viii) Antagonizing God or membership in misleading grouplets or espionage.
- (ix) Supplying, producing, purchasing of and dealing in more than five grams of heroin or over fifty grams of other drugs.<sup>186</sup>

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<sup>186</sup> *Tehran Times*, 13 February 1990.

The forty-sixth session of the Commission on Human Rights considered Mr. Pohl's report and extended his mandate for another year and welcomed the invitation of the Iranian government for a further visit.<sup>187</sup> The special representative rejected charges that he had been "indulgent" in his report so as to make another visit. Mr. Pohl said Tehran authorities were willing to let him stay longer but he had to return to Geneva to report before the Commission. Officials had made no mention of a second visit and Mr. Pohl stated the first trip was "allowed only after six years of pressure".<sup>188</sup>

Opposition movements like the People's Mojahedin of Iran were none too happy with the efforts of the special representative. A testimony of where they thought Mr. Pohl had failed was presented in a document prior to the special representative's second visit to Iran in 1990.<sup>189</sup> NGOs like Amnesty International detailed continuing violations within Iran.<sup>190</sup>

In concluding this section, it would not be out of place to quote an Iranian daily which observed that, "however humanistic and sublime the Human Rights Charter may seem, in practice and in the hands of governments with a swaying power of the UN, the document has turned against itself and is being used as a bludgeon to hit oppressed peoples throughout the world".<sup>191</sup>

## Conclusion

In the aftermath of World War II<sup>192</sup> and the exposure of human rights abuses by the Nazis, there was a period of action. This included the Nuremberg trials, the framing and adoption of the 1948 Universal Declaration, followed the next year by the Convention on Genocide.<sup>193</sup> In the following period, during which the Western countries dominated the decision-making process in the UN resolutions like 1503 took nearly twenty years to be formed. It was almost another ten years

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<sup>187</sup> CHR Resolution 1990/79.

<sup>188</sup> *Kayhan International*, February 28, 1990.

<sup>189</sup> Confidential Sources.

<sup>190</sup> See UNDoc., E/CN.4/1990/NGO/35.

<sup>191</sup> *Kayhan International*, December 5, 1989.

<sup>192</sup> See John P. Humphrey's memoirs *Human Rights and the United Nations: A Great Adventure*, New York, Dabbs Ferry Transnational, 1984. Especially chapter two titled "The Catalyst of the Second World War".

<sup>193</sup> According to some authors, "it was relatively easy to reach general agreement on a set of international principles against gross and persistent systematic violations of basic rights ... to the extent that the international human rights regime arose from post war frustration, guilt, or unease", "International Human Rights: A Regime Analysis", *op.cit.*, p.615.

before the promotion and monitoring procedures of the Covenants came into effect. Spread over this period was when a majority of colonial countries gained their independence often at great human and material cost. Following the decolonisation process, the question of international human rights hitherto dormant, grew rapidly to become an important aspect of world politics. In countries like Iran, newly prosperous with oil wealth, human rights were vested in the policies deemed fit by governments for their people. Leaders, like the Shah of Iran, seemed ill at ease with the notion of international human rights and in this respect maintained a normative position not completely different from that taken by the revolutionary government. The Shah maintained that his government was "completely in favour of defending human rights. But if this carries us towards the law of the jungle and defeat, then it can no longer be called human rights".<sup>194</sup> The revolutionary leadership also viewed human rights as a sphere in which they would have the ultimate say. It knew full well the responsibilities it would entail; after all the revolution was based on liberating the masses from tyrannical rule. In this respect, then, where does the area of change lie between pre and post revolutionary Iran's treatment of human rights? The answer may be traced back to Ayatollah Khomeini's anti-Pahlavi postures, which were based not so much on the political and economic imbalances, as much as his deep rooted dislike for the consequences of Westernisation on Iran's culture and religion. This led the revolutionary leadership to purge Iranian society of "negative" Western influence and at the same time conduct the affairs of the State along Islamic lines. As a result of over-zealous individuals entrusted with this job at various stages in the last ten years of the revolution, the sanctity of personal freedoms and rights as set down in the Iranian constitution stood to be violated. According to some diplomats in the United Nations, it was not that the nature or extent of the violations happening in Iran were so totally new and horrifying to the international community that it led to a campaign to isolate Iran. It was rather a campaign undertaken with the intention of checking the effect the revolution may have had on neighbouring countries.<sup>195</sup> Unaware of the totality of the human rights situation in Iran, the UN machinery entrusted with the task of alerting the Iranian government on violations,

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<sup>194</sup> The Shah at a news conference, reported by *Kayhan International Weekly*, June 25, 1977.

<sup>195</sup> *Discussions held in Geneva*, April 1990.

came to adopt certain methods which were not fully acceptable. For example, memorandums and reports came to rely heavily on information provided by the Mojahedin, while their political interest in the matter was common knowledge. The reason given was that these groups were the only ones with possible access to inside information, and presented their allegations in an orderly way.<sup>196</sup>

This among other actions, made the Iranian government treat the question of human rights as a matter of international politics. It came to view the international human rights campaign against it as an extension of the policies designed by countries supporting Iraq in its war effort. The Iranian government believed, given the strategic importance of the Persian Gulf, "it has been useful for the American Government to ask its protégé in the region, namely Iraq, to invade Iran ..." because this "first phase of the plan ... has failed, attention is now being concentrated on a campaign of propoganda."<sup>197</sup> President Ronald Reagan's personal appeal to Ayatollah Khomeini to "spare the lives of 22 Baha'is reportedly sentenced to death" was seen as a part of this Western propoganda effort. An Iranian government spokesman dismissed the appeal as "an interference in the internal affairs of Iran and as such without value".<sup>198</sup> Iran, however, showed readiness to acknowledge 'any form of support' it received in the area of human rights. When Britain criticised the Iraqi use of chemical weapons against the Kurds in Halabja, Iran's deputy foreign minister lauded the British government for its "logical and moderate" stance and said it was a major factor contributing to improvement of relations between the two countries.<sup>199</sup>

In 1988, against a background of Iranian-aided release of hostages in Lebanon, a long awaited acceptance of a cease-fire to the eight year war, and the reopening of foreign embassies in Tehran; Amnesty International published its most scathing attack on the Iranian government accusing it of arbitrarily executing thousands of political prisoners, (allegedly captured Iranian

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<sup>196</sup> Confidential discussions with international civil servant attached to the Center for Human Rights in Geneva.

<sup>197</sup> UNDoc., E/CN.4/1983/19, (Annex I), p.1.

<sup>198</sup> See *Keesing's*, vol.xxx, February 1984, p.32690-32691. The "US administration officials subsequently said that the appeal had been prompted by a number of recent congressional resolutions expressing concern over the fate of 300,000 strong Bahai community in Iran (a estimated 100,000 Bahai's being resident in the USA)", p.32690. See for example, 'Religious Persecution of the Baha'is in Iran', *United States House, Committee on Foreign Affairs, Sub-Committee on Human Rights and International Organisations*, series: 98th Congress, 2nd session, Hearing May 2 1984.

<sup>199</sup> *Kayhan International*, June 20, 1988.

insurgents aligned to the Mojahedin Khalq Organisation). The reaction of the Iranian charge d'affaires in London was significant in so far as it considered Amnesty International's allegations as 'having a negative impact on Iran's genuine efforts to establish peace and tranquility in the Persian Gulf region'.<sup>200</sup> With reference to the shooting down of the Iranian Air-bus, a tragedy which claimed the lives of some 290 Iranian civilians, it felt the international community, particularly the UN Security Council, had acted inadequately. The Foreign Ministry on this occasion commented that the "unanimous resolution adopted [by] the Security Council failed to condemn the United States for shooting down" the Iranian airliner. This, it stated, proved that the "Security Council, due to the presence of ... the US ... is even unable to explicitly acknowledge such a human and international right."<sup>201</sup> Seizing the opportunity to establish goodwill with the international community, the official position in Iran in the aftermath of the tragedy came to be that there would be no retaliation.

Lastly, the Iranian government among other developing countries believe that "In contemporary international politics the making of diplomatic points about human rights is most closely associated with the foreign policy of the United States". How has Iran among other developing countries reacted to what it sees as what some authors perceive as tantamount to "cultural imperialism" lying behind the mask of human rights?"<sup>202</sup> At a time when much needed cooperation between the Commission and the government was non-existent, Prime Minister Musavi stated "we should not count too much on the rulings of international powers ... such forums are usually dominated by the international policies of the few big powers of the world". He added that biased resolutions emanating from the Commission would "serve to further radicalise ... [presumably Iranian] policies with respect to major world issues".<sup>203</sup> It is very likely that harsh resolutions adopted by the Commission were serving the purpose of their sponsors, i.e. to drive Iran into a diplomatic cul-de-sac. But on the other hand, they also brought into question the capability of the

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<sup>200</sup> *Kayhan International*, December 15, 1988.

<sup>201</sup> *Kayhan International*, July 23, 1988.

<sup>202</sup> R.J. Vincent, "The Response of Europe and the Third World to United States Human Rights Diplomacy" in *The Diplomacy of Human Rights* (ed.), David D. Newson, London, University Press for America, 1986, p.31.

<sup>203</sup> *Kayhan International*, December 17, 1985.

United Nations human rights machinery to separate the humanitarian wheat from the political chaff.

## Chapter VII

### The Iran-Iraq War and the United Nations: A Quest for Justice and Peace

#### Introduction

The Iran-Iraq war is commonly understood to have its roots in the religio-political differences between the ruling elites of both countries. Numerous explanations have been given for the causes of this conflict (starting in September 1980), and most of them fall into one of the following two categories: factors arising primarily from territorial disputes, most prominent being the question of boundaries between the two countries, formed by the Shatt al-Arab Waterway (referred to in Iran as the Arvand-Rood); or factors arising from a general hostility between the two sides, particularly Iraq's Ba'ath Party's fears that the revolutionary power of Khomeini's Islamic Government would stir up the Shi'ite majority in southern Iraq.

Given the context within which this chapter will examine the conflict, i.e. the practice of Iranian foreign policy in the United Nations, it will be necessary to divide the process of enquiry into four major sections. Section one will provide an account of the events that led up to the fighting. \*Section two will examine the mandate of the Security Council and the relative positions adopted by its members vis-a-vis the war. \*\*Section three will focus on the elements which caused the Iranian delegation's dissatisfaction with the Security Council's handling of the dispute. Section four will examine the shift of mediation activities to the office of the Secretary-General, summing up the process which was developed over almost a decade by the UN to end the war, and the events which led up to the implementation of Resolution 598.

The war with Iraq was the major pre-occupation of Iranian diplomacy during the 1980s. Apart from demonstrating the long but successful role of the UN, this chapter will be able to throw some light on post-revolutionary Iranian diplomacy at the UN and its attitude towards the

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\*, \*\*, The structure and format of sections two and three have drawn extensively upon the study by Ralph P.H. King, *The United Nations and the Iran-Iraq War, 1980-1986*, New York, Ford Foundation, 1987.



main political origins of the UN, in matters crucial to its national foreign policy and international relations.

This chapter will also show how the Security Council in particular was far from even handed in dealing with the two parties involved in the Iran-Iraq War, and consistently preferred to listen to Baghdad's version of events rather than Tehran's. The Council also consistently declined, in the face of all the evidence, to point the finger of blame at Iraq for starting the war by invading Iranian territory. This biased attitude on the part of the UN was subsequently to undergo a complete volte-face when Saddam Hussein invaded Kuwait in August 1990.

### **I. Events Leading up to the Iraq-Iran War: October 1979 – September 1980**

By the end of 1979, Iraq's attitude toward the Iranian revolution – which was sympathetic during Mehdi Bazargan's provisional government – gradually shifted. The first signs of official Iraqi dissatisfaction with the Islamic government in Iran were noticed in October 1979 when Mr. Abdel Hussein Moslem Hassan, the Iraqi ambassador in Beirut (Lebanon), in an official declaration demanded the following from Iran:

- (i) the abrogation of the 1975 "reconciliation" treaty and the restoration to Iraq of its former rights (concerning the Shatt al-Arab river),
- (ii) the evacuation of Abu Musa and the Tunbs Islands in the Strait of Hormuz (occupied by the Shah's armed forces in 1975), and
- (iii) the granting of autonomy to the Baluchis, Kurds and Arabs in Iran.<sup>1</sup>

The Iranian government rejected these demands on November 1, 1979, as constituting interference in Iran's internal affairs.<sup>2</sup> Starting in November 1979, there were a number of incidents which clearly reflected the state of rapidly deteriorating relations between the two countries. Of these the most important were the expelling of ambassadors, initiated by Iran in March 1980 and followed by Iraq.<sup>3</sup> In the same month, the then President Bani-Sadr (with reference to

<sup>1</sup> *Keesing's Contemporary Archives*, vol. XXVII, 1981, p.31005. (Henceforth to be cited as *Keesing's*).

<sup>2</sup> *Ibid.*

<sup>3</sup> *BBC Summary of World Broadcasts*, March 10, 1980, (ME/6366/A/7) and March 11, 1980, (ME/6367/A/5). (Henceforth to be cited as *BBC/SWB*).

the second demand made by the Iraqis) was reported to have said that certain Arab states (meaning Iraq) were "not fully independent" and were "subservient to the United States", and that if Iran relinquished control over the three islands to the Arabs, they would turn them over to the United States, because they lay on the vital oil route controlled by the latter.<sup>4</sup>

This led to Iraq's Foreign Minister sending a message in April 1980 to Dr. Kurt Waldheim (then UN Secretary-General), which was reported to have called for the immediate withdrawal of Iranian troops from the three Gulf islands, and to have accused the Iranians of pursuing an "aggressive and expansionist" policy in the Gulf region. The Iranian Foreign Minister stated, on the same day, that his country's "differences with Iraq went beyond the disputed Islands", and that the Iraqi Government was "under the control of Zionists and Imperialists".<sup>5</sup>

On April 7, 1980, Iran placed its army on full alert along the frontier with Iraq. The next day Ayatollah Khomeini called for the removal of President Saddam Hussein, whom he described as "an enemy of Islam and Moslems" and urged the "Iraqi armed forces to desert".<sup>6</sup>

In the same month, the attempted assassination of Tareq Aziz, Iraq's deputy Prime Minister, while he was visiting Mustansirriyya University was blamed on Iranian zealots. This event led to the large-scale expulsions of Shi'a-Moslems and people of Iranian origin from Iraq to Iran.<sup>7</sup> Further violent incidents continued along the Iraq-Iran border.

In the neighbouring Gulf states, these incidents were interpreted as Baghdad's ploy to recover the Shatt al-Arab River and Gulf Islands by force, which in all probability would mean war.<sup>8</sup>

On April 16, 1980, the Supreme Command of the Iranian armed forces announced in a broadcast the formation of a "Revolutionary Islamic Army for the Liberation of Iraq". At the same time Tehran radio called for "a holy war" (jihad) against the Ba'ath regime.<sup>9</sup> In Iraq,

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<sup>4</sup> *Keesing's, op.cit.*, vol.XXVII, 1987, p.31005.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *BBC/SWB*, April 3, 1980, (ME/6387/A/3-4).

<sup>8</sup> See, for example, *Financial Times*, (London), April 9, 1980.

<sup>9</sup> *Keesing's, op.cit.*, vol.XXVII, p.31006.

President Hussein declared that given the present state of affairs, war was not a remote possibility and was a "national duty". He also demanded general recognition of the Arab nature of the southern oil-rich province of Khuzestan (called Arabistan in Iraq) in Iran, as being part of Iraq.<sup>10</sup>

The months of May to August were full of reports of border skirmishes and diplomatic expulsions. In those months Iraqi aircraft were said to have attacked towns in north-western Iran, striking at oil installations 30 miles south of Qasr-e-Shirin (the principal border crossing point between Iraq and Iran north-east of Baghdad).<sup>11</sup>

On August 27, 1980, however, the Iranian Pars News Agency announced that for the first time the Iranian Army had used ground-to-ground missiles to repel "Iraqi aggressors" in the Qasr-e-Shirin area after clashes had extended "to all the border posts".<sup>12</sup> The situation grew rapidly out of control. On September 10, 1980, both President Saddam Hussein and *Al Thawra* (the Iraqi Ba'ath Party's official organ), stated that the clashes had to do with the territorial claims, and that Iraqi forces had seized Zayn al-Qaws and other territory that Iran ought to have returned under the provisions of the 1975 Treaty.<sup>13</sup> The Iraqi President said on this occasion that Iraq did not want a war, but would nevertheless resort to it if its territorial integrity was infringed upon.

Assessing the comments of both sides over the incident (the seizure of the Zayn al-Qaws), it seems that the two countries clearly did not wish to go to war at that stage. But all hopes of a de-escalation of the crisis were lost when President Saddam Hussein announced to the Parliament in Baghdad on September 17, 1980, that the Government of Iraq had formally and unilaterally abrogated the "reconciliation" treaty of June 13, 1975, and that it had restored its full sovereignty over the Shatt al-Arab waterway.<sup>14</sup> President Hussein added that by resuming its aid to the Kurdish

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<sup>10</sup> *Ibid.*

<sup>11</sup> What started off as small sorties by the Iraqi Air Force along the Iraq-Iran border escalated into attacks against Iranian oil installations in mid-July. For earlier examples see *International Herald Tribune*, May 31 – June 1, 1980.

<sup>12</sup> *Keesing's, op.cit.*, vol.XXVII, p.31006. See also a report published in the *International Herald Tribune*, August 28, 1980.

<sup>13</sup> *Ibid.*, The Foreign Ministry in Iran, however, denied this, stating that the zone had been restored to Iraq under the provisions of the 1975 agreement. Also see *BBC/SWB*, September 12, 1980, (ME/6521/A/9) and September 17, 1980, (ME/6525/A/3).

<sup>14</sup> *BBC/SWB*, September 19, 1980, (ME/6257/A/1-7). See also *Keesing's, op.cit.*, vol.XXVII, p.31006.

insurgents,<sup>15</sup> Iran had violated one part of the 1975 agreement which, according to Article 4, rendered the whole agreement void. This development was also conveyed in a letter to the Secretary-General on September 21, 1980.<sup>16</sup> Although in a later correspondence (dated 25 November, 1980) Iraq denied the Iranian charge that it "unilaterally abrogated" the agreement, since it had already been violated by Iran and hence should be considered void.<sup>17</sup>

In the same month and a few days before full-scale fighting broke out, Baghdad announced that ships passing through the Shatt al-Arab must pay dues and fly the Iraqi flag.<sup>18</sup> On September 21 Iraq launched a major offensive and full-scale war broke out along the Iran-Iraq border. Iraqi troops occupied the port of Khomamshahr and almost completely surrounded Abadan. Although the initial stages of the battle exacted heavy damage, by 1981 the war had entered a stalemate not promising victory to either side.<sup>19</sup>

While reviewing the events preceding the outbreak of full-scale hostilities it would be appropriate at this point to briefly analyse whether Iraq qualifies to be named as the initiator of the Iraq-Iran war. This exercise is not to oversimplify the deeper reasons, motives and circumstances that underpinned the Iraq-Iran conflict, but rather an examination of the rationale behind the whole conflict itself from the available data.

The fact that the outbreak of hostilities (dated by the international community as September 22, 1980) between Iraq and Iran followed so closely to the former's "unilateral abrogation" of the 1975 reconciliation treaty, has made this act the *raison d'être* of the entire conflict. Statements and actions provide further justification. To begin with, one must ask the question "How did Saddam Hussein seek to justify the Iraqi decision to abrogate the 1975 reconciliation treaty (1975 agreement, Algiers agreement)? Apart from the explanation offered earlier in this paper,

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<sup>15</sup> In April 1980, Mr. Masoud Barzani, one of the leaders of a faction of the Democratic Party of Kurdistan in Iran (DPKI), declared his allegiance to Ayatollah Khomeini and President Bani-Sadr. See *Keesing's, op.cit.*, vol.XXVII, p.31005.

<sup>16</sup> *UNGAOR A/35/483*, and *UNDoc.*, S/14192.

<sup>17</sup> *UNDoc.*, S/14272.

<sup>18</sup> *BBC/SWB*, September 20, 1980, (ME/6528/A/2-3). The announcement was made on September 18, 1980. See also Chapter III of this dissertation.

<sup>19</sup> For details on the strategic balances of both parties and the extent of damage in the first 30 days of battle, see *Keesing's, op.cit.*, vol.XXVII, pp.31006-31009.

President Saddam Hussein, in his address to an extraordinary session of the Iraqi National Assembly, said:

Since the rulers of Iran have violated this agreement as of their own by blatantly and deliberately intervening in Iraq's domestic affairs by backing and financing, as did the Shah before them, the leaders of the mutiny [Kurdish rebel leaders], which is backed by America and Zionism, and by refusing to return the Iraqi territories which we were compelled to liberate by force [the Zayn al-Qaws seizure on September 10, 1980], I announce before you that we consider the 6 March 1975 agreement as abrogated from our side also. The RCC [Revolutionary Command Council] has made a decision to this effect.

Thus, the legal relationship concerning Shatt al-Arab should return to what it was before March 6, 1975. This Shatt shall again be, as it has been throughout history, Iraqi and Arab in name and reality, with all rights of full sovereignty over it.<sup>20</sup>

The territorial issue which seems to be at the centre of Iraq's reason for resorting to hostilities was not new. The above statement of President Saddam Hussein suggests that, even before the revolutionary regime took power in Iran, the land and insurgent problem had not been resolved, even though the situation had apparently not disturbed Iraq for almost 18 months after the Shah's departure.

Furthermore, the above statement (made four days before the war) suggests that Iraq had already recovered the territories by force. In fact, General Adnan Khyrallah had declared "On 7 September,<sup>21</sup> we began to regain the first area, called Zayn al-Qaws. On 10th September, we regained the second area, that of Sayf Sa'd". The General added, "I believe that on 12 and 13 September we regained five border posts which had been trespassed upon. *Thus we have regained all the land areas which have been trespassed upon by the Iranian side and have settled our dispute with Iran concerning the land differences*".<sup>22</sup> If this statement holds true, then Iraq's territorial claim, as a *bona fide* reason to abrogate the Algiers agreement four days later, stands invalid. More importantly it is in complete contradiction to Iraq's full-scale attack on Iran on September 21, 1980.

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<sup>20</sup> *Foreign Broadcast Information Service, Daily Report, Middle East and Africa*, September 18, 1980, vol.5, no.186. (Henceforth to be cited as *FBIS/ME&A*).

<sup>21</sup> There is a discrepancy of three days between *Keesing's*, which dates the Iraqi admission to seizing the disputed zone as being on September 10, 1980, and that of the records of *FBIS/ME&A*, which dates it three days earlier.

<sup>22</sup> See *FBIS/ME&A*, September 26, 1980, vol.5, no.189. Emphasis added.

The above deduction seems to indicate that, since the abrogation of the treaty by Iraq was not based on solid grounds, the whole act was an excuse to launch a full-scale attack against Iran. It was believed in Arab diplomatic circles that Iraq had been planning the attack some six months previously, as it had mobilised troops to the frontier for this purpose.<sup>23</sup> With the abrogation of the treaty, it was believed that war was almost unavoidable, since Iraq continued to seize land it claimed as its own.<sup>24</sup>

Moreover, given the facts that the revolutionary purges had left the Iranian armed forces weakened and had made inroads into Iranian military equipment, the odds seemed to favour Iraq.<sup>25</sup> In fact on September 21, one day after the mobilisation of Iranian forces had begun, Iraqi deputy Prime Minister Tareq Aziz had left on an unscheduled visit to Moscow, where he was reportedly to have requested military aid.<sup>26</sup>

The above evidence does indicate that, in theory at least, neither President Hussein nor his officials could make any diplomatic justification for the abrogation of the treaty, much less for the invasion of Iran. Though it is not within the scope of this chapter to argue in detail what other causes might have contributed to the conflict, it is nevertheless appropriate to look briefly at some of the regional political developments following the Iranian revolution, which may be taken as causal factors.

Professor R.K. Ramazani is of the opinion that "The Iraq-Iran war began as Iraq's response to the perceived threat of the contagion of the Khomeini brand of Islamic fundamentalism. But it also reflected the ambition for power of Saddam Hussein".<sup>27</sup>

With transfer of power to the more militant clerics in Iran after the replacement of the Bazargan government, relations between Tehran and Baghdad deteriorated rapidly. In a reprisal for the assassination attempt on Iraq's deputy Prime Minister in April 1980, reportedly by Iranian

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<sup>23</sup> *Discussions with Arab diplomat in Geneva*, August 1989.

<sup>24</sup> *The Times*, (London), September 21, 1980.

<sup>25</sup> Patrick Seale in a report for the *Observer* notes that Saddam Hussein was clearly not in a mood for negotiation, but wished to capitalise on his "advantage". *Observer*, (London), September 21, 1980.

<sup>26</sup> *The Sunday Times*, (London), September 21, 1980; *The Times*, (London), September 22, 1980.

<sup>27</sup> R.K. Ramazani, *Revolutionary Iran: Challenge and Response in the Middle-East*, Baltimore, Johns Hopkins University Press, 1986, p.57.

extremists, the Iraqi government rounded up all those it suspected of having links with Tehran, especially those who were members of the Da'awa party.<sup>28</sup> This wave of repression culminated in the execution of Ayatollah Seyyed Mohammad Baqir al-Sadr and his sister in April 1980.<sup>29</sup> These executions caused Shi'as to emigrate in large numbers from the Gulf to Iran.

The Baghdad regime viewed Khomeini's ideology as a basic threat to its own political stability in at least two ways. Firstly, Khomeini's call for an export of the Islamic revolution on the Iranian model and his religious concept of an Islamic world order were not compatible with the socialist secularist and Pan-Arab tenets of Ba'ath ideology. Secondly, Islamic Iran's security role in the Persian Gulf had changed since the departure of the Shah. This collided with the Iraqi's notion of regional security, which was based on "Pan-Arab" supremacy in the Persian Gulf and the protection of Iraqi interests in the Shatt al-Arab. Misconceptions on the part of many observers regarding this were largely based on declarations made by many revolutionary policymakers in the aftermath of the Shah's departure who declared that Iran would no longer play the role of the Gulf "policeman". This statement, given the fact that Iran still has not relinquished its hold on the islands in the Gulf, for example, could only have meant that the revolutionary forces, while declining to be an American policeman, did not cease to see itself as a, if not the major, power in the Gulf region.<sup>30</sup>

This is also reflected in Iranian Speaker Hashemi Rafsanjani's speech with regards to security in the Persian Gulf. "We declared once again that the security of the Persian Gulf is more important to us than any other party [state], and we will strive to maintain the Gulf's [security] as much as we can".<sup>31</sup> This statement represents one of the major areas of continuity in Iran's foreign policy towards the region.

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<sup>28</sup> The Da'awa party was formed by Iraqi Shi'a revolutionaries after the revolution of 1958, which destroyed the monarchy in Iraq. The main objective of the party is to establish an Islamic state. See Hana Batatu, "Iraq's Underground Shi'a Movements: Characteristics, Causes and Prospects", *Middle East Journal*, vol.35, no.4, Autumn 1981, pp.578-94.

<sup>29</sup> Ayatollah al-Sadr was said to have close links with Ayatollah Khomeini and was the undisputed leader of Iraqi Shi'a Muslims. *Ibid.*

<sup>30</sup> *Discussions with a Professor of International Relations in Tehran*, November, 1990.

<sup>31</sup> *FBIS/SA*, [South Asia], October 24, 1993, vol.8, no.206.

In concluding this section, it would be timely to outline the clash of Iraqi Ba'athist ideals with that of the Iranian revolution. It is not uncommon to hear that one of the major causes of the Iraq-Iran war was a clash of personalities between Khomeini<sup>32</sup> and Saddam Hussein. Ideologically, Saddam considered himself to be an heir to ideologue Michel Aflaq's Ba'athism; this made his views more secular, socialist and basically Arabist with respect to his foreign policy towards the region. Saddam Hussein strove to show the Arab world that he shouldered a Pan-Arab responsibility. For example, by making it a condition that Iran relinquish the islands of Abu Musa and the two Tunbs, he appointed himself as the spokesman of the Arab nation. This is also evident in his self-appointed role as liberator of the Arabic-speaking Iranian minority of Khuzistan (or Arabistan as it is known in Iraq) living in the oil-rich provinces of Southern Iran. Further, Saddam's Ba'athism and Arabism opposed Iranian nationalism, which he characterised as racist and imperialist. He described his war with Iran as the second battle of Qadisiyah, or "Saddam's Qadisiyah" (historical reference to the first battle fought by the Arabs against the Persians in AD 637).<sup>33</sup> Hussein's Ba'athism also challenged Khomeini's Pan-Islamic ideals by the superior Arab claim to Islam itself, based on the Arabness of the Prophet Mohammad, the Arabic language of the Qoran and the location of Islam's most holy places in Arab lands.

The above factors, when set in the context of the power vacuum which had developed in the Persian Gulf region at the end of 1979 and the fact that the Arab world lacked leadership, especially after the Egyptian-Israeli peace treaty,<sup>34</sup> add to the difficulties of isolating the specific causes that underpinned the Iraq-Iran war.

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<sup>32</sup> Khomeini characterised Saddam Hussein as an "infidel" who "is fighting to destroy Islam". See *The New York Times*, 1 October 1980.

<sup>33</sup> In a speech to the Iraqi people on September 28, 1980, President Saddam Hussein said "We had to unsheath the swords of 'Ali, Sa'd and Al'Qa'qa' [Muslim warriors who fought the Romans and Persians earlier in Islamic history] in order to strike this tyrannical clique [Khomeini's Islamic government] and teach it a new historical lesson like that of the glorious Al-Qadisiyah battle which destroyed Khosrou's arrogance, raised the banners of Islam and eliminated infidelity, ignorance and aggression in the region. This was also done by our brave army in Zayn al-Qaws and Sayf Sa'd". *FBIS/ME*, September 29, 1980, vol.5, no.190.

<sup>34</sup> In March 1979, Iraq hosted an Arab foreign minister's conference in Baghdad in order to increase its prestige in the region, having found favour with Saudi Arabia by effectively mediating the border dispute between North and South Yemen. The more hard-line members, namely the PLO, Syria and Libya, went along with Baghdad in condemning the Egyptian leadership for compromising with the "Zionists". Saddam Hussein, who was vice-president of the Conference, told the members "anyone who collaborates with Sadat is a collaborator with the Zionist enemy". See *Washington Post*, March 28, 1979.



## II. Early Efforts at Mediation

At the outbreak of full-scale hostilities between Iran and Iraq, a number of third parties made attempts to mediate. Among these groups were the Islamic Conference Organisation, the Non-Aligned Movement, the governments of Algeria and Cuba, as well as the Palestinian Liberation Organisation. However the efforts of the United Nations can be considered as being the most significant, reflecting on the one hand a need to find a peaceful settlement to the dispute and on the other the inaction of the Security Council, riven with superpower politics.

On September 23, 1980, one day after the outbreak of war between Iran and Iraq, the President of the Security Council, Mr. Taieb Slim (permanent representative of Tunisia), appealed to both countries to settle their dispute by peaceful means.<sup>35</sup> Thereafter, between September 26 and October 24 1980, the Security Council met on six occasions to discuss the Iran-Iraq war. At the second meeting (September 28, 1980), after President Zia-ul-Haq of Pakistan reported that Iran was not ready for conciliation or mediation, the Security Council adopted Resolution 479.

The resolution called upon the two countries "to settle their dispute by peaceful means and in conformity with principles of justice and international law" and "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". It also called 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".<sup>36</sup>

The resolution contained no reference to Iraqi aggression, nor did it call for the withdrawal of forces to internationally recognised frontiers. This led Iran to reject the resolution and the President of Iran informed the Secretary-General on October 1, 1980, that his country saw "no use in any discussion [on the war], directly or indirectly" while Iraqi forces remained on Iranian soil.<sup>37</sup> The Iraqi government, recognising its territorial gain, announced that its forces were ready to observe a cease-fire from October 5, if Iran did the same.<sup>38</sup> The offer of course elicited no

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<sup>35</sup> UNDoc., S/14190.

<sup>36</sup> Security Council Resolution 479, See Annex I pertaining to Chapter VII of this thesis.

<sup>37</sup> UNDoc., S/14206.

response from Iran.

Iran's boycott of the Security Council since the hostage crisis in November 1979, and its refusal to settle the dispute on the offered terms, further alienated it from the permanent members and their allies. Seizing the opportunity at the next Council meeting (October 17, 1980) the Iranian Prime Minister (Mr. Rajai), accused the superpowers, in particular the United States, of attempting to "destroy the Islamic revolution in Iran, via Iraq" and imposing "a new Israel on the Middle East". He declared that whatever decision the Council might take would change nothing for Iran, which would continue to fight.<sup>39</sup>

The Iraqi representative to the UN (Dr. Saadoun Hammadi) said that his country had tried all possible peaceful means to resolve the territorial problems and was faced with no alternative but to "exercise self-determination to recover authority over the whole of its territory". He added that "Iraq had no territorial claim on Iran" but only on "our territorial integrity on our land and our waterway".<sup>40</sup> The debate which followed failed to reach any conclusion due to the divisions between the members of the Security Council. A draft resolution tabled by seven developing countries, including China, which sought to bring Iran and Iraq into a negotiating process was not supported by the other members.<sup>41</sup> This led the Council to ask the Secretary-General (Dr. Waldheim) to send a special envoy to the area to explore the possibilities of ending the war.

On November 11, 1980, Dr. Waldheim announced that he had appointed Mr. Olaf Palme, the former Prime Minister of Sweden as his envoy;<sup>42</sup> both Iran and Iraq agreed to receive him.

On the first of his visits to Tehran, Mr. Palme met both the President and Prime Minister of the Islamic Republic. He regarded the talks as "informative, constructive and useful".<sup>43</sup> But the question of a peace proposal was remote, given the conditions set by the Iranian leaders. It is interesting to note, especially in the context of the events surrounding the recent Gulf War (1990-

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<sup>38</sup> *UNDoc.*, S/14210.

<sup>39</sup> *Keesing's, op.cit.*, vol.XXVII, p.31013.

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *UNDoc.*, S/14251.

<sup>43</sup> *United Nations Press Release*, Office of Public Information, Press Section, UN, New York, IR/22, November 21, 1980. (Henceforth to be cited as *UNPR*).

91), that the Iranian President is reported to have told Mr. Palme (in 1980) that "Iran was seeking not only the military defeat of Iraq but also the overthrow of President Saddam Hussein, who should be tried before a world court".<sup>44</sup>

After Mr. Palme's visit to Baghdad, he was of the opinion that there was no hope of any early end to the war; he feared that the war might spread to other regions of the Gulf and could even involve the great powers.<sup>45</sup> At the end of the first phase of his mission, Mr. Palme stated that the aim of his trip had been to "learn and clarify the position of each Government". Though this aim had been fulfilled, "nobody should expect rapid results".<sup>46</sup>

Subsequent visits by Mr. Palme to both countries yielded little by way of ending the conflict. The level of conflict was such that even the 63 merchant vessels trapped in the Shatt al-Arab could not be guaranteed safe passage. In the end, however, the crews of the trapped ships were freed.<sup>47</sup>

By the middle of 1983, the role of the United Nations in the Gulf War changed. This change can be attributed to the appointment of Javier Perez de Cuellar as the new UN Secretary-General, and to the fact that emphasis was now being laid not so much on bringing the war to an end as on limiting the damage done to civilian and non-military areas. This new role of the United Nations was made possible by the Iranian government, who directly requested the Secretary-General to send a mission to visit civilian areas in Iran which had suffered war damage. On being informed of this proposal, the Iraqi government requested a similar mission to visit its civilian areas.<sup>48</sup>

The visits of UN missions and their strict mandate (as fact-finding teams) ensured continuous UN involvement throughout the war, and acted as a conduit for regular information to the Security Council via the Secretary-General's office. The Iranian Foreign Minister believed that

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<sup>44</sup> *Keesing's, op.cit.*, vol.XXVII, p.31014.

<sup>45</sup> *Ibid.*

<sup>46</sup> *UNPR, IR/23, November 24, 1980.*

<sup>47</sup> *UNPR, IR/34, March 16, 1981. See also Keesing's, op.cit.*, vol.XXVII, p.31014; *UNDoc.*, S/14216 and *UNDoc.*, S/14221.

<sup>48</sup> *UNPR, IR/39, May 18, 1983.* This particular press release is a good example of the itinerary and composition of fact-finding missions to the two countries.

the "report handed to the UN Secretary-General on the war-devastated civilian areas would help to demonstrate Iran's true claims to the world public opinion". In an interview with the Islamic Republic News Agency, the Foreign Minister said: "This may be the first time an international organisation has performed in a relatively fair manner".<sup>49</sup> Both statements seem to indicate a new-found confidence in the role of the Organisation; much of this has been attributed to the efforts and personality of Perez de Cuellar.<sup>50</sup> Throughout 1984 and 1985, the UN continued to dispatch missions to both countries to investigate issues ranging from the prisoner-of-war situation to the possibility of a moratorium on attacks on civilian areas. Both countries preferred to use the UN as investigator/mediator in the above cases, rather than resorting to specialised agencies such as the International Committee of the Red Cross (ICRC).<sup>51</sup>

From the mid-eighties up until the implementation of Security Council Resolution 598 [1988], which formally brought the Iran-Iraq war to a close, a number of issues were brought by the two parties to the UN. Of these the most pertinent was the use of chemical weapons by Iraq. Given the importance of this issue to Iranian diplomacy at the UN, it will be dealt with separately in Chapter 8. At this juncture it would not be out of place to examine the Iran-Iraq war in relation to the mandate of the Security Council, and more importantly the degree to which it was able to fulfill that mandate. Section VI.2 will also examine the Iranian government's reaction to the politics of the Security Council, a body which it believed was being used to prevent it from prosecuting the war successfully on the political front.

### III. The War and the Mandate of the Security Council

In the words of Brian Urquhart, "The Security Council's performance at the outset of the Iraq-Iran War was a pale shadow of the possibilities that the United Nations Charter gives the Council for dealing with precisely this kind of situation".<sup>52</sup> The author goes on to refer to the US

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<sup>49</sup> *Kayhan International*, June 29, 1983.

<sup>50</sup> *Discussions with Iranian diplomat in Tehran*, October 1990.

<sup>51</sup> Before UN fact-finding missions left for the area, they met the ICRC [International Committee of the Red Cross] and the delegates from both countries separately. The scope and method of the work was always decided by the mission itself. See for example, *UNPR*, SG1/SM/3645, IR/43, January 7, 1985. The additional reference number (i.e. SG1/SM/3645) identifies statements (press releases) made by a spokesman for the Secretary-General.

<sup>52</sup> Brian Urquhart, "The United Nations and the Iraq-Iran War", in *SIPRI Yearbook 1988: World Armaments and Disar-*

Ambassador Donald McHenry, who reminded the Security Council less than a week from the outbreak of full-scale hostilities that, under Article 24 of the Charter, the United Nations is entrusted with "the primary responsibility for the maintenance of international peace and order". However, the Charter also requires that member states "settle international disputes by peaceful means" [Article 2(3)] and that they refrain from the threat of use of force. Article 33(1) states that "the parties to any dispute shall, first of all, seek a solution by negotiation, inquiry, mediation ... or other peaceful means of their own choice". Should the parties fail to resolve the dispute peacefully, "they shall refer it to the Security Council" [Article 37(1)].<sup>53</sup>

Ralph King<sup>54</sup> in a study prepared for the Ford Foundation, attempts to bring out the subtle difference between the Council's power to act granted under the UN Charter and its practice. As regards referring a dispute to the Security Council, a situation might arise, when

"either or both parties may be unwilling to follow this procedure for various political reasons, one of which might be a desire to settle a grievance by force. In such a case, the onus would fall upon the Council, as outlined in Article 24".<sup>55</sup>

Further,

"if the parties to a dispute cannot or will not settle it by negotiation, the Council may intervene under the provisions of Article 37(2) to take action set out in Article 36, or to recommend appropriate methods or terms of settlement. Finally, the Council may theoretically have recourse to the provisions of Chapter VII: that is, it may apply economic and other sanctions [Article 41] or take the necessary military actions [Article 42]."<sup>56</sup>

In practice, however,

"the prevailing view of the Council's procedure holds that it can act on a matter only if it has been brought to its attention by a member state, as provided for in Article 35, or by the Secretary-General, with the authority conferred by Article 99."<sup>57</sup>

Thus it is argued that since the

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*mament*, p.507.

<sup>53</sup> *Ibid.*

<sup>54</sup> Ralph King is presently employed by the Australian Government. Between the years 1985 and 1986, he was a research associate at the International Institute for Strategic Studies in London.

<sup>55</sup> *The United Nations and the Iran-Iraq War, 1980-1986, op.cit.*, pp.10-11.

<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.* The author here is referring to the work of Louis B. Sohn in "The Security-Council's Role in the Settlement of International Disputes", *American Journal of International Law*, vol.78, no.2, April 1984, pp.402-04.

"provisions of Chapter VI relating to the duties of states to submit disputes to the Council [Article 33(1)] or to the Council's powers of investigation [Article 34] are almost never invoked, and then only in discussion ... evidence for ... the application of those articles in the working of the Security Council has continued to be scant."<sup>58</sup>

Lastly, the provisions of Chapter VII are invoked only in the most exceptional circumstances, as for example in the sanctions against Iraq in the recent Gulf War.

Any failure on the part of Iran to abide by the above-mentioned provisions in the Charter for resolving disputes was based not so much on the mechanics as on the wording and the interpretation of the title of the first and subsequent Security Council resolutions. According to some observers, these "deliberately failed to either call for the withdrawal of forces or to determine responsibility for the hostility". Secondly, the title of the first Security Council Resolution was considered misleading. Resolution 479 referred to the severe confrontation of land, sea and air forces of both countries as merely "the situation between Iran and Iraq". In the opinion of a senior Iranian academic,

"by referring to the conflict as a *situation* rather than a *war*, the Security Council shrewdly evaded any resort to Articles 30-50 of the UN Charter and the recognition of war as a threat to peace, and/or an act of aggression. Instead, recalling its responsibility under Article 24, the Council backed the peaceful settlement of disputes by virtue of Articles 33-38 of the UN Charter. Hence, Iran had no alternative other than opting for its right to self-defence conferred by Article 51 of the UN Charter."<sup>59</sup>

Due to this attitude of the Security Council, Iran's Permanent Representative rarely attended UN Security Council meetings. Iran's Premier, the late Mohammad Ali Rajai, took part in Council sessions on October 15 and 17, 1980. At that time Dr. Kurt Waldheim reportedly told Rajai in a private meeting,

"I believe you are making a strong case. Iraq's military invasion of your country is a fact and I think the UN and the Security Council are the appropriate fora where your country's positions can be presented. You will see your just grievances both heard and accepted and the proper position will be taken."<sup>60</sup>

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<sup>58</sup> *Ibid.* The author here is referring to the opinion cited in the *Repertoire of the Practice of the Security Council, Supplement 1969-71*, United Nations, p.192.

<sup>59</sup> The quote is taken from a speech made by Abbas Maleki, (Editor-in-Chief of the Iranian Journal of International Affairs, Tehran) at a conference on *Iran After Cease-Fire*, held at Munich, October 23-24, 1989. In my brief discussions with the author, I was referred to this piece as a summary of his views on the subject. Emphasis added.

<sup>60</sup> *Ibid.*

However, with the adoption of Resolution 479 and the deadlock between both parties, the Security Council ceased deliberations on the subject for almost the next two years.

Before Council discussions on the war were suspended, British Ambassador Sir Anthony Parsons, Security Council President for November 1980, defended the relative lethargy with which the Council was moving on the issue by saying:

"I don't believe that it is anything really shameful for the Security Council not to be able to bring about an instant cessation of hostilities ... Our consultations take a long time ... I think the consensus of the Council is that, if and when the Council acts, it should do so effectively."<sup>61</sup>

Questioned about members of the Security Council supplying arms to the combatants, Parsons said the matter had not been discussed but that "maybe this is something we should take up".<sup>62</sup>

In the light of the above, it was not surprising that the Soviet Union, along with the United States, effectively blocked any amendment of the UN Charter to increase the number of Security Council seats from 15 to 21. General Assembly President, Baron Ruediger Von Rechman, indefinitely postponed a vote on an enabling resolution sponsored by members of the Non-Aligned bloc. US Ambassador Donald McHenry told the General Assembly that 15 Council seats "is already a large number in terms of rapid decision-making ..."<sup>63</sup>

Before moving on to examine the nature of the Security Council resolutions and the causes of Iran's dissatisfaction with the way it perceived the Security Council was handling the dispute, this section may be concluded with a discussion of the political atmosphere which existed among members of the Security Council.

### III.1 The Security Council's Permanent Members and the War

To understand almost a decade of UN diplomacy *vis-à-vis* the Iran-Iraq War it is necessary to outline the larger political agenda of the permanent members of the Security Council, notably

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<sup>61</sup> *Kayhan International*, November 6, 1980.

<sup>62</sup> *Ibid.*

<sup>63</sup> Africa, Asia and Latin America would have gained in regional representation under the proposed scheme. The resolution was spearheaded by India and co-sponsored by Algeria, Bangladesh, Bhutan, Cuba, Grenada, Iraq, the Libyan Jamahiriyah, Nepal, Nigeria, Seychelles, Sri Lanka and Zambia. *Kayhan International*, December 7, 1980.

the Soviet Union and the United States.

At the outset of the war between Iraq and Iran, the permanent members, though pledging non-interference in the conflict, nevertheless chose to take up positions that were critical of each other.

China's official News Service accused the Soviet Union of attempting to "exploit the fighting between Iran and Iraq, and charged that the Russians coveted the Gulf region ... fish[ing] in troubled water[s]". The United States, which at that time, had diplomatic relations with neither Iran nor Iraq, was joined by its Western allies in insisting on keeping navigation in the Gulf open. Towards this end, high level discussions were going on with regard to deploying a joint task force, if a problem threatening the free flow of oil should arise.<sup>64</sup>

Given that US personnel were still being held in their embassy in Tehran, Washington was very "concerned about Iranian charges that it was involved on the Iraqi side". The State Department sent a message through the Swiss government to Tehran making it clear that the "US had played no part in Iraq's action". However, from Edmund Muskie's speech to the UN General Assembly it was evident that the US was "deeply concerned that the fighting between Iran and Iraq could lead to the further fragmentation of Iran and create increased opportunities for Soviet encroachment in the Persian Gulf region".<sup>65</sup> More importantly, following the Soviet invasion of Afghanistan, President Carter, in January 1980, declared that any threat to the Persian Gulf by an outside power would be equated to an assault on America's "vital interests" and would be repulsed by all means, including military force. The Iranian daily, *Kayhan International*, carried an article during this period which quoted a NATO (North Atlantic Treaty Organisation) diplomat who was of the opinion that

"Washington cannot neglect Iran, not only because of the threat of a Soviet thrust from Afghanistan toward the [Persian] Gulf, but because without Iran as an ally, as it was under the deposed Shah, it is very difficult to defend Saudi Arabia and the region's oil wells."<sup>66</sup>

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<sup>64</sup> *The New York Times*, September 25, 1980.

<sup>65</sup> *The New York Times*, September 23, 1980.

<sup>66</sup> *Kayhan International*, January 8, 1981.



The Arab diplomats at the UN (notably from the Gulf region and Middle East) hoped that Iraq would be able to "destroy the myth of the Iranian revolution" and show that the "Khomeini revolution [was] not the French Revolution which terrified the European monarchies". In their view, Iraq was the "lesser evil because at least the Iraqis [did not] claim constituencies in the Gulf".<sup>67</sup> However, there was some Arab opinion which held that "US military bases to protect the vital oil routes to the West ... could create a political issue [that could be] described as explosive". Senior officials in Bahrain were of the opinion that "Persian Gulf nations [were] exploring a do-it-yourself security system for policing the narrow 900 kilometre-long waterway that leads to the Arabian Sea and Indian Ocean". These sources also expressed doubt over whether such a pact could even be formalised, even though Saudi Arabia, Oman and Kuwait had all suggested various plans.<sup>68</sup>

Apart from France and to a lesser extent Great Britain, the majority of Council members had no deep interest in the situation. France enjoyed a close relationship with Iraq throughout the war, mainly as an alternative supplier of high-tech weaponry, and also sought to develop closer commercial links with other Persian Gulf states.

The Soviet perspective on both the fall of the Pahlavi regime and the Iran-Iraq conflict was conditioned by a number of factors. The Islamic revolution in Iran, however threatening to Soviet domestic cohesion in its predominantly Muslim areas, nevertheless held out the possibility of improved ties. This prospect was especially attractive since Iran, hitherto a main pillar of US strategic policy in the Middle East was now violently anti-American. Unlike the Carter administration, the Soviets did not mention possible actions if the West were to intervene in Iran, but the Soviet press repeatedly quoted Mr. Brezhnev's statement, which stated in part that "The Soviet Union, which maintains traditional good-neighbourly relations with Iran, emphatically declares that it is against outside interference in Iran's internal affairs by anyone, in any form and under any pretext".

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<sup>67</sup> *The New York Times*, September 25, 1980.

<sup>68</sup> *Kayhan International*, January 13, 1981.

Some authors have sought to prove that the Brezhnev statement was interpreted in the West as a "serious warning" to the United States.<sup>69</sup> The US decision to send AWACS aircraft to Saudi Arabia was "strongly denounced by Moscow", where the official news agency Tass stated that neither Iran nor Iraq was a threat to Saudi Arabia, and that Zbigniew Brzezinski's (President Carter's national security adviser) warning to the Soviet Union to stay out of the conflict was a "hypocritical and demagogic utterance" as US servicemen and military aircraft were being sent to Saudi Arabia.<sup>70</sup>

On the other hand, the USSR was a party to a treaty of friendship with Iraq and was unwilling to jeopardise this relationship in spite of the latter's increasing dependence on certain Western countries for sophisticated arms and technology. With the outbreak of the Iran-Iraq conflict, Moscow found itself in a delicate position *vis-à-vis* the two countries and showed its displeasure at Iraq's action by suspending all major arms supplies to it for more than one year. This decision on the part of Moscow was based upon its belief that instability in Iran brought about by Iraq's attack on Iran's Islamic government might lead to repercussions along the Soviet Union's southern borders, and could provide the West with an opportunity to reassert itself in an area where it had lost access. According to Tehran Radio on October 5, 1981, the Soviet Ambassador to Iran had told the Iranian Prime Minister the previous day that the Soviet Union had "ceased to supply Iraq with weapons and that it was ready to give Iran help as regards military armaments, seeing that the USSR was, like Iran, fighting 'American imperialism', shared foreign policy viewpoints with Iran and respected the Iranian revolution". In Moscow, a Foreign Ministry spokesman dismissed the Tehran report as being "slanderous and false".<sup>71</sup> However, the Soviet and East German representatives in the Security Council maintained a neutral stance and blamed "imperialist interests" for fuelling a war in which nobody was going to benefit.<sup>72</sup>

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<sup>69</sup> Howard M. Hensel, "Moscow's Perspective on the Fall of the Iranian Monarchy", *Asian Affairs*, vol.XIV, Part III, October 1983, p.297.

<sup>70</sup> *Keesing's, op.cit.*, vol.XXVII, p.31012.

<sup>71</sup> *Ibid.*

<sup>72</sup> *UNDoc.*, S/PV.2248.

Less than a week after the beginning of the war, when Iraq was occupying large parts of Iranian territory, the Security Council led by the United States and other Western countries tried to call for an immediate cease-fire. General Zia, President of Pakistan, who was in Tehran at that time trying to arrange a settlement, asked the Security Council to postpone the call for an immediate cease-fire which, if implemented, would have been to the disadvantage of Iran. The US Ambassador at this juncture described President Zia's move as a ploy to "connect diplomacy with military strategy". He added that if agreement to stop the war immediately was not reached, it would make the Third World members look as if they supported Iraq's actions in the Gulf.<sup>73</sup> By highlighting the possible nexus between diplomacy at the UN and military strategy, the United States pre-suggested what was to become the single biggest factor which during the course of the war alienated Iran from the Security Council. The reference to the inaction of the non-permanent members of the Security Council can be said to be reflective of the extent to which Iran was beginning to be isolated in the international community.

In the view of Iranian academics and diplomats, Iran's image in the Security Council suffered due to its involvement in the hostage crisis and its dissolution of the TUDEH party (the Iranian Communist Party). Apart from this, domestic policies and ideological firmness were reasons which diverted Iranian officials from "pursuing an active diplomacy at the UN". Abbas Maleki, an Iranian academic and policy analyst, has also commented that "though aware of Iraq's fallacious rationalisations, the permanent members did not have access to first-hand and reliable information on the situation of the fronts and the enormity of the Iraqi aggression". This, coupled with Iran's international image and the Council's reluctant attitude in the first days of the war, allowed Iraq to use its superior diplomatic skills to gather all the support it could get.<sup>74</sup>

In concluding this section a few observations may be made which will link the approach of the Security Council to the conflict and the possible causes for dissatisfaction experienced by the Iranian delegation. At the very least it can be said that the Security Council was very slow to

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<sup>73</sup> *The New York Times*, September 28, 1980.

<sup>74</sup> Abbas Maleki *op.cit.*, these views are expressed in his speech at Munich, and also in the course of discussions conducted in Tehran.

react to the outbreak of full-scale hostilities. In this respect the Iranian envoy is reported to have expressed his views to the First Committee of the UN with regard to international security by saying: "Although the representatives of the member countries of the United Nations consider International Security to be in the interest of the world, still, they do not take it seriously". The envoy then proceeded to mention that the "main reason for the destruction of security ... is the utilisation of force and threats, and the frequent use of them in international relations".<sup>75</sup> This disillusionment was in part attributable to Security Council Resolution 479 which was "to all intents and purposes, free of any condemnation of Iraq's having resorted to force".<sup>76</sup> Some of the reasons for this inaction have been mentioned in this section. However, two reasons are of particular importance. First, Iran's Islamic government had alienated world public opinion, and it was the earnest hope of many member states that Iraq would contain the Iranian revolutionary forces. Secondly, following from this, most observers expected that Iraq would claim a quick military victory; but by the time the international community realised that the conflict would be a prolonged one, it was too late.

It was indeed too late, as the succeeding section will demonstrate, because the Council in its statements and in the wording of Resolution 479 omitted to take a firm stand on Iraqi "aggression" in the context of the provisions laid down in the UN Charter, and failed to call for a withdrawal of forces to internationally recognised frontiers. Both these omissions convinced Iran to consider all discussion on the matter useless.<sup>77</sup> The Council's refusal to condemn Iran has been argued by some observers as

due to the members' prejudice against Iran. At the very least, they were prepared to give Iraq more leeway than might otherwise be expected. The United States was in a particularly difficult position, anxious not to impede negotiations over the hostages and concerned about the possibility of Iran's dismemberment, yet resentful of Iran's behaviour.<sup>78</sup>

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<sup>75</sup> *Kayhan International*, December 5, 1980.

<sup>76</sup> *The United Nations and the Iran-Iraq War, 1980-1986, op.cit.*, p.15.

<sup>77</sup> *UNDoc.*, S/14206. In the first six months of the war, Iran's President Bani-Sadr in a letter to the UN Secretary-General considered any discussion on the war useless as long as Iraqi forces remained on Iranian soil.

<sup>78</sup> *The United Nations and the Iran-Iraq War, 1980-1986, op.cit.*, p.16.

On the other hand, Iraq was able to benefit from the Council's lackadaisical approach. The response to the Norwegian representative's call for an internationally supervised withdrawal of forces, the Iraqi representative was quick to note that the proposal represented a pre-condition and did not conform with the provisions contained in Resolution 479, which first demanded a cease-fire.<sup>79</sup> As a matter of interest, Norway was one of the drafters of Resolution 479. In the light of recent events, i.e. the 1990-91 Gulf War, and the more or less concerted effort of the Council to decisively permit Allied troops to be actively deployed in the Gulf in order to maintain international peace and security, the relative indecision and silence on the part of the Council in a similar situation a decade ago seem to indicate inconsistency and even betray a degree of tilt towards Iraq.

### III.2 Iran's Dissatisfaction with the Security Council

In the course of the eight-year-long war with Iraq, Iran had made no attempt to hide its dislike for or mistrust of the Security Council. This mistrust of the premier political body of the United Nations stemmed from the Council's failure to condemn Iraq as an aggressor, and from the veto power of its permanent members. In his address to the 37th session of the United Nations General Assembly, Foreign Minister Dr. Ali Akbar Velayati, commenting on the veto rights of the superpowers, said that, "the veto right of a few members [had] hindered the effectiveness of the UN in its dealings with world causes". Later, when the Security Council called for all forces to withdraw to internationally recognised boundaries in the form of Resolution 514 of July 12, 1982, when Iranian forces had entered Iraqi territory, Dr. Velayati asked where were these "so-called peace-lovers, when the rights of Iranian people were trampled upon by the Iraqi aggressors in the past two years?"<sup>80</sup> The question of Iraqi aggression and the reluctance of the Security Council to determine its existence, though an indication of gross negligence in Iran's view, was quite normal to Council politics and procedure.

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<sup>79</sup> UNDoc., S/PV.2252.

<sup>80</sup> A report on Dr. Velayati's speech to the 37th Session of the UN General Assembly was printed in *Kayhan International*, October 14, 1982.

Sydney Bailey, who has researched the working of the Security Council in depth brings out an obvious ambiguity at the beginning of his book. The UN Charter, while asserting the equality of states in both its Preamble and Article 2, paragraph 1, simultaneously confers on five member states "the right to veto substantive proposals in the Security Council and amendments to the Charter [Articles 27(3) and 108]".<sup>81</sup> Arthur Lall, a former Indian Ambassador to the United Nations, in challenging what he called the "facile view" that military and economic power alone determined the capacity to make decisions in international affairs, believed that the Council was increasingly unable to discharge its Charter functions. He ascribed this incapacity to the "structure of the Council" and in particular to the self-interests of the "Inner Circle" of permanent members. Not unlike the case of the Iran-Iraq conflict, the Council in previous situations of crisis like Cyprus, the Middle East, India-Pakistan and Korea had failed to convene timely meetings.<sup>82</sup> Lall has pointed out that the five permanent members "are incapable ... of interesting themselves fully in disruptive and peace-endangering situations" and that other member states are deprived, mainly because of lack of status and authority, from playing a significant and effective role. He is of the opinion that a wider diffusion of decision-making power in the Security Council would be a possible solution which would make the Council more "representative" of the various regions.<sup>83</sup> In revolutionary Iran, the nature of Security Council decision-making and particularly of the power of veto has been likened to the "law of the jungle", presumably where the fittest (i.e. economically and military) survive.<sup>84</sup>

Returning to the question of aggression, Iran's unchanging condition up to the implementation of Security Council Resolution 598 was that Iraq be identified as the aggressor by the international community and appropriate measures be taken against it. The biased nature of Security Council resolutions adopted over the span of almost a decade of full-scale war and the failure of the Council to identify the aggressor as a minimum measure towards securing peace indicate that

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<sup>81</sup> Sydney D. Bailey, *The Procedure of the Security Council*, Oxford, Clarendon Press, 1988, p.7.

<sup>82</sup> Arthur Lall, *The Security Council in a Universal United Nations*, New York, Carnegie Endowment for International Peace, 1971, pp.3,18,19,4-11,36,42.

<sup>83</sup> *Ibid.*, pp.10-11,21,23,30,35,39.

<sup>84</sup> The words "UN Veto = Law of the Jungle" were painted on the compound wall of the former US Embassy during my visit to Tehran between October and November 1990.

there existed a link between the legal and political nature of the Security Council's role in the maintenance of international peace and the non-determination of aggression by that same body.<sup>85</sup>

The principle of collective security, provided in paragraph 1 of Article 1 of the Charter, is further expanded in Chapter VII entitled threats to the peace, breaches of the peace and acts of aggression. Chapter VII of the UN Charter opens with an article which states

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Application of collective measures provided in Article 41 and 42 of the Charter is, according to Article 39, the responsibility of the Security Council. Therefore the important decision of the Security Council on determination of the existence of threat to the peace, breach of the peace, or act of aggression is the main prerequisite for enforcement measures. The Council has not, usually for political reasons, been inclined to make decisions in accordance with Article 39 and, for evasion or determination of the existence of threat to the peace, breach of the peace, or act of aggression, has mostly resorted to Article 40 of the Charter. This Article in effect relates to cases where the Security Council is not able to decide on measures to be taken against the culprit state promptly.<sup>86</sup> According to this Article, the Council may, before determination of the nature of the dispute under its consideration, call upon the parties concerned to comply with provisional measures without prejudicing their rights or claims. Measures that the parties to the dispute are asked to comply with are generally of a recommendatory nature, unless the Security Council stipulates that in case of failure to comply it would resort to enforcement measures.

However, resort to Article 40 does not diminish the responsibility of the Security Council to determine the existence of any threat to the peace, breach of the peace, or act of aggression, par-

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<sup>85</sup> The following analysis was put forward by Dr. Nasrin Mossafa, a member of the *Faculty of Law and Political Science at Tehran University, Tehran*. Sentences in quotes are directly attributable to her.

<sup>86</sup> Article 40 of the UN Charter states that provides as follows: "In order to prevent an aggravation of the situation, the Security Council may, before making a recommendation or deciding upon measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or the position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures".

ticularly since the General Assembly – with a view to helping the Security Council to determine the existence of an act of aggression – adopted Resolution 3314 in 1974, which defined aggression with a consensus opinion.<sup>87</sup> Despite the existence of a Definition of Aggression, in most cases the Security Council has been reluctant to determine aggression, particularly in cases entailing the identification and punishment of the aggressor. "The reason for this reluctance on the part of the Security Council is because the Council is basically a political organ and not a legal organ". This does not mean that the legal role of the Council which is defined by numerous provisions in the Charter, is non-existent but rather that a "political organ decides on ways of resolving disputes according to international law. Therefore, the functions of the Security Council are of a political-legal nature".

In a publication of the Center for Advanced International Studies, Tehran, it was the joint opinion of certain Iranian academics that since the "determination of the aggressor and its punishment is a legal process, [it] should be handled by the International Court of Justice, but due to political considerations it has been referred to the Security Council". The authors were also of the view that the Security Council tended to use international law only as "a secondary instrument" for its decision-making. They attributed this to the precedent given to the general policy orientations of the members of the Council, particularly the permanent members, and hoped that in the future international law would play a more determinative role.<sup>88</sup> In the view of some Western observers this show of allegiance to international law seemed ironical, because in other areas, such as human rights, Iran was unwilling to abide by international treaties, especially when international law came into conflict with the principles of Islam.<sup>89</sup> In the same context, US Ambassador to the UN, Donald McHenry, indicated that since Iran had not complied fully with international norms and Council resolutions on the hostages, it could not afford to complain about the lacklustre response of the Council to the war.<sup>90</sup>

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<sup>87</sup> See *Yearbook of the United Nations*, New York, United Nations, vol.28, 1974, pp.840-848. Especially pp.847-8 for the definition of aggression.

<sup>88</sup> Nasrin Mossafa, Masoud Tarem Sari, Abdolrahman Alem, Bahram Mostaghimi, "Iraq's Aggression against Iran and the United Nations' Position", a *Publication of the Center for Advanced International Studies, School of Law and Political Science*, Tehran, 1987, p.76.

<sup>89</sup> *Discussions with a member of Human Rights NGO in Geneva*, June 1990.

<sup>90</sup> *UNDoc.*, S/PV.2251.



By 1982, the procedure of the Security Council with regard to the conflict had assumed a standard approach, which as succeeding sections will illustrate was against the interests of Iran. The overwhelming feeling among policy-makers in Iran during this period was that it was "futile to rely on international organisations". Foreign Minister Velayati stated "If we disregarded our just positions (concerning the Iraqi-imposed war) and put our hopes on international organisations to gain our rights, we would certainly reach nowhere".<sup>91</sup> Nevertheless, the integral part the Security Council had come to play in the conflict made it the only top-level forum for negotiations.

G.R. Berridge attributes the institutionalisation of "informal consultations" as the most important "procedural innovation over the last few decades", which has enabled the Security Council to involve itself in recent crises. By holding "informal private meetings" the Security Council has managed to transcend from being "little more than a platform for hostile exchanges in the East-West propaganda war". Although he has argued that informal consultations encourage members to "engage in genuine diplomacy on a broad and continuing inter-caucus basis" this is nevertheless devoid of the media exposure accorded to sensitive issues being discussed in public meetings of the Security Council. Until the latter half of the 1980s, the very reason which Berridge gives for informal consultations (i.e. "the same reason that usually produces diplomacy is in the end the development of a balance of power")<sup>92</sup> was considered anathema to revolutionary Iran's perspective of how international politics/diplomacy should be conducted.<sup>93</sup> Unlike formal public meetings there is no circulation of an agenda, no record or minutes of discussions held, the Secretary-General is not required to issue a communiqué at their conclusion, and the "ultimate sign of informality – they are given no number by the Secretariat. In short, informal private meetings of the Security Council do not officially exist!"<sup>94</sup>

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<sup>91</sup> *Kayhan International*, October 4, 1982.

<sup>92</sup> See Chapter One entitled, "The Security Council and Secret Diplomacy", in G.R. Berridge, *Return to the UN: UN Diplomacy in Regional Conflicts*, London, Macmillan, 1991.

<sup>93</sup> The following is a statement by Iran's former Foreign Minister, Mir Hussein Musavi, contained in his speech to the 36th session of the United Nations General Assembly. "In our opinion, these international organisations, instead of serving as means of combat against tyranny and oppression or as media for establishing peace and justice in the world, have mainly turned into centres for 'give and take' between the superpowers and a cover for the implementation of their policies". Quoted from *Kayhan International*, October 14, 1981.

<sup>94</sup> *Return to the UN: UN Diplomacy in Regional Conflicts, op.cit.*, p.5.

The Iranian delegation probably was unable or unwilling to explore the limits of informal consultancy, mainly because of the strict ideological lines along which they conducted their affairs at the UN, as elsewhere. More importantly, informal consultancy in the Security Council almost always entailed behind-the-scenes negotiation with the permanent members, who may have demanded that Iran soften its stance on the conditions set by it to bring the war to a close. Given the grass roots support Iran needed to prosecute the war on both the ideological and military front, it did not see it as prudent to be involved in any kind of deal-making, particularly with the five permanent members.

Moreover, a very senior member of the Iranian Foreign Ministry let it be known that, only after seeing the escalation of the war to include direct US naval involvement and the shooting down of an Iranian civil airliner, "Iran decided to play the game".<sup>95</sup> This presumably meant extensive informal consultations, at least with the members of the Secretariat and some of the permanent members, on ways and means to bring about a cease-fire. In this respect Iran's main link to the Council was in the person of Secretary-General Perez de Cuellar who, in the words of Sydney Bailey, was "an exceptionally perceptive diplomat, who did not seek the limelight and ... was able to maintain reasonably good relations with all the main groups and blocs".<sup>96</sup> Before examining the shift of mediation activities to the Secretariat, a study of the approach of the Security Council to the conflict with regard to the nature of the resolutions adopted by it is necessary. This will throw light on the extent to which the Council was able to discharge its functions as an impartial peace-keeping body.

### III.3 The Nature of Security Council Resolutions on the Conflict

Iraq began a full-scale war on September 22, 1980, and occupied large parts of the southern and western regions of Iran.<sup>97</sup> On the following day the Security Council issued a statement after holding informal discussions. The second paragraph of this statement notes that the members of

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<sup>95</sup> Interview with Deputy Foreign Minister, Mohammad Javad Larijani in Tehran, November 1990.

<sup>96</sup> *The Procedure of the Security Council*, op.cit., p.95.

<sup>97</sup> See for example, *Keesing's*, vol.XXVII, pp.31006-08.

the Security Council were deeply concerned that the conflict may gradually worsen, leading to a serious threat to the peace. The failure of the Security Council to consider Iraq's all-out attack as aggression, a breach of the peace or even a threat to the peace has led certain Iranian diplomats to observe that the Council was only of the "narrow view" that the conflict might gradually worsen and become a threat to international peace and security. Following from this, it can be argued that, since the contents of this first statement provided a basis for the first Security Council Resolution, it neither reflected the gravity of the situation nor – more importantly – recorded the fact that Iraq was the aggressor.<sup>98</sup>

Security Council Resolution 479 adopted on September 28, 1980, was the beginning of a series of decisions on the Iran-Iraq war. The issues deliberated upon in the Security Council are sometimes so sensitive that even the title of a particular resolution can have immediate repercussions. For example, the use of the term "situation" to describe the conflict between Iraq and Iran in the title of Resolution 479 was construed by the Iranians as evidence of a lack of careful attention on the part of the Council to the Charter. As mentioned earlier, by labelling the Iran-Iraq war as a "situation", it was felt that the Security Council regarded the war as a situation which might lead to international friction rather than as a situation in which international friction or a dispute already existed, thus partially absolving itself of the necessity to act accordingly.

Ironically, the similar question was raised by certain Council members during the Soviet occupation of Azerbaijan in 1946 (The Iranian Question of 1946, see Chapter II of this dissertation). In a discussion reviewing the Soviet request to take the Iranian item off the agenda, the crucial consideration was whether the Iranian item was a *dispute* or a *situation*. A *dispute*, they held, was a subjective matter, "a conflict between two or more States, which exists only by virtue of the opposition between two interested parties". A *situation* on the other hand has "a clearly objective character".<sup>99</sup> However, the International Court of Justice, in its advisory opinion on Namibia in 1971, stated that for a matter to be considered as a *dispute* under Article 27(3) of the Charter,

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<sup>98</sup> *Discussions with Mr. Ali Ashraf Shahbestari (First Secretary to the Permanent Mission of the Islamic Republic of Iran 1979-1987, United Nations, New York), October 1990 in Tehran.*

<sup>99</sup> *Security Council Official Records, 1st year, 1st series, Supplement no.2, p.47.*

there must have been a "prior determination by the Security Council that a dispute exists".<sup>100</sup>

After almost two years of silence after the adoption of Resolution 479, the Security Council under totally different circumstances adopted Resolution 514 on July 12, 1982.<sup>101</sup> During 1982 there was a substantial reversal in the positions of the combatants in the Gulf War, and many observers who at the outset of the war who had anticipated a speedy victory for Iraq now judged that Iran might be able to impose a decisive defeat on its neighbours. Iran's most successful military campaign during this period was code-named Operation Jerusalem. It was successful in driving the Iraqi forces out of their last major stronghold in Iranian territory – areas of southern Khuzestan and the city of Khoramshahr. At the end of the operation, the city was left in ruins, with large areas covered by Iraqi minefields and abandoned trenches.<sup>102</sup>

However, what was more disturbing to many Western political and military observers during 1982 was the Iranian move into Iraq, under the name Operation Ramadan, which began on the night of July 13, 1982. The Iranian Defence Minister, Col. Mohammad Salimi, was reported as having said that "despite the superpowers' opposition, a push into Iraq territory has become inevitable".<sup>103</sup> On the same day as Operation Ramadan was launched, US officials stated that their government would "use whatever influence it had to try to discourage the Iranians from invading Iraq". Alexander Haig, Secretary for State, added that "although the US was neutral in the Iranian-Iraqi conflict, it was not indifferent to the outcome", and that the US was "committed to defending [its] vital interests in the area".<sup>104</sup> *The New York Times* reported that "because of this ominous intelligence information", the UN Security Council voted for a cease-fire and withdrawal of all forces to internationally recognised frontiers.<sup>105</sup> The resolution was rejected by Iran, who felt it was legitimate to liberate large parts of its occupied territories, and questioned why the Security Council felt that international peace and security were threatened only with the entry of

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<sup>100</sup> *International Court of Justice Reports*, 1971, paras. 24 and 26.

<sup>101</sup> See Annex I pertaining to Chapter VII, of this thesis, for the texts of Security Council resolutions on the Iran-Iraq War.

<sup>102</sup> *Keesing's*, vol. XXVIII, 1982, p. 31849.

<sup>103</sup> *Ibid.*, p. 31850.

<sup>104</sup> *The New York Times*, July 13, 1982.

<sup>105</sup> *Ibid.*

Iranian forces into Iraqi territory and not vice-versa.<sup>106</sup>

In the wake of military victories over Iraq between June and November 1982, Iran's much-publicised war aims resulted in the adoption of an additional resolution by the Security Council. After the successful Fatah (victory) offensive which resulted in the capture of Khoramshahr, the Iranians demanded that Iraq (i) surrender unconditionally; (ii) pay reparations to Iran of 150 billion US dollars; (iii) agree to the establishment of a committee to determine responsibility for the outbreak of the war; and (iv) take back the thousands of Iraqi Shi'ites expelled to Iran. During this period Iraq repeatedly called for a cease-fire and, for instance, though not agreeing to the full amount of reparations, offered to establish a joint fund for post-war reconstruction. However, other Iranian demands, such as the replacement of the regime of President Saddam Hussein, his trial by an international court and the establishment of an Islamic Republic in Iraq<sup>107</sup> ensured that no progress was made towards bringing the war to an end.

The motivation of the Security Council in adopting Resolution 522 on October 4, 1982 can be found in a report preceding Resolution 522 in *The New York Times*, which reported that observers in the West were worried about the "major offensive" the Iranians were mounting along the Iraqi border.<sup>108</sup> Iran boycotted the Council session and the Iraqi representative took the opportunity of pointing out that Iran was "defying the chief peace-keeping body of the UN". The resolution took note of this, and welcomed Iraq's expression of readiness to co-operate in the implementation of Resolution 514, while "urging the other to do likewise".<sup>109</sup>

Iran absented itself from the Council discussions, because during that time Jordan was presiding over the business. In its view "the Security Council, especially when headed by the Jordanian representative whose country was actively co-operating with Iraq ... was not the institution to establish justice".<sup>110</sup> Another factor which influenced Iran's decision to boycott the Council

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<sup>106</sup> *Prevailing view among academics and practitioners in Tehran*, October 1990.

<sup>107</sup> *Keesing's, op.cit.*, vol.XXVIII, p.31852.

<sup>108</sup> *The New York Times*, October 2, 1982.

<sup>109</sup> *Ibid.*, October 4, 1982.

<sup>110</sup> The above statement was made by Dr. Saed Rajaie Khorassani and was reported in *Kayhan International*, October 8, 1982.

meeting was its belief that the "Jordanian representative, under the pretext of holding the session to be informed of the two parties' views, intended to bring the Iranian envoy to the negotiations table and then impose the pre-arranged resolution prepared by Iraq in the sessions".<sup>111</sup> This view can be considered as reflecting how the Iranians reacted to behind-the-scenes or informal consultations in a body as sensitive as the UN Security Council.

In the same period (1982), Iranian policy-makers were well aware of the overwhelming support Iraq enjoyed in the Security Council. Intelligence sources analysing the conflict at that time say Iran may have decided to fight a war of attrition along Iraq's borders to wear down the Iraqi Army which continues to be the mainstay of President Saddam Hussein's government. If this was to be avoided, Iraq had to obtain trained infantry and artillery units from outside. A British source was of the opinion that "Jordan [was] ... the best source of trained reinforcements". Senior American officers, however, believed that Iraq's superior air force "could force Iran to reconsider a strategy of attrition" and "repeated successful attacks on Iran's oil export positions [would] damage Iran's economy, forcing it to withdraw".<sup>112</sup>

The relative level of isolation which Iran suffered was not confined to the Security Council. The prolongation of the conflict and the outcome on the military front in favour of Iran persuaded Iraq to request the General Assembly to include the question of the conflict on its agenda at its 37th Session. The General Assembly adopted Resolution 37/3 on October 22, 1982, which called for an immediate cease-fire and requested the Secretary-General to continue his efforts to find a peaceful settlement.<sup>113</sup> In the view of Iranian analysts, "the General Assembly [did] not have anything different from the resolutions and statements of the Security Council", apart from the introductory part of the resolution, which states that the territory of a state shall not be occupied by use of force and such territories shall be returned, and that no acts of aggression shall take place against another state.<sup>114</sup> The Iranian press quoted the permanent representative to the UN as

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<sup>111</sup> *Ibid.*

<sup>112</sup> *The New York Times*, October 6, 1982.

<sup>113</sup> See *United Nations General Assembly Resolution 37/3*. The resolution was adopted with 119 in favour, 15 abstaining, 20 absent (Albania and Sweden announced that they would not participate in voting) and 1 against, (Iran).

<sup>114</sup> "Iraq's Aggression against Iran and the United Nation's Position", *op.cit.*, pp.97-98.

saying that recent Iraqi missile attacks on Iranian residential areas, which took place a few days after the adoption of the Iraqi-sponsored UN General Assembly resolution (37/3), indicated "a propaganda plot to conceal Iraqi President Saddam Hussein's crimes".<sup>115</sup>

Parallel to the above-mentioned developments in the UN, attempts at mediation were undertaken by the Islamic Conference Organisation (ICO), the Non-Aligned Movement (NAM) and members of the Algerian Government. Referring to the efforts of the Islamic Conference, Iran's representative to the UN, Dr. Khorassani said: "Iran was seeking peace but the mission did not bring any new point with itself ... [and] that Iran's proclaimed four conditions should be accepted all at the same time ... it was not rational to accept cease-fire first and let the enemy reinforce its army".<sup>116</sup>

Almost a full year later, the Security Council adopted Resolution 540 on October 31, 1983. In the introductory paragraph of the resolution, the Council accepted the occurrence of a war between Iran and Iraq.<sup>117</sup> Observers in Tehran were quick to note that, since wars usually result from an act of aggression by one party, how could the Security Council confirm the existence of a war without referring to aggression?<sup>118</sup> This line of reasoning was concomitant with one of the four conditions set by Iran for negotiating a peace; i.e. identification and punishment of the aggressor.

Not in discordance with the pattern which had set in, Security Council Resolution 540 called for an immediate cease-fire. Reports from intelligence analysts in Washington and at NATO in Brussels were now of the view that "from an economic standpoint Iran seems to be better able than Iraq to fight such a war".<sup>119</sup> The vote on Resolution 540 however was not unanimous. It was adopted by 12 in favour, 0 against, with Nicaragua, Pakistan and Malta abstaining. An Iranian delegate aired his frustration at a news conference during this period by declaring that

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<sup>115</sup> *Kayhan International*, October 31, 1982.

<sup>116</sup> *Ibid.* A similar argument was cogently put forward by the Allied commanders in the recent Gulf War (1990-91), when asked to consider a respite (cease-fire) in their bombardment of Iraq.

<sup>117</sup> See Annex I of Chapter VII of this thesis for the text of this resolution.

<sup>118</sup> *Discussions with academics at Tehran University*, October 1990.

<sup>119</sup> *The New York Times*, October 23, 1983.

the Council was seized by a "Satanic spirit" that had rendered it incapable of resolving the dispute fairly. Pakistan's representative explained his country's abstention on the vote as being in protest at the Council's "failure to respond adequately to the fears and concerns of Iran about the Council's impartiality and effectiveness as a peacemaker".<sup>120</sup>

In 1983, the ferocity with which the Iranian armed forces carried out various phases of the Al Fajr (Dawn) offensives resulted in a nine to twelve mile penetration into Iraq. Towards the end of 1983, in an interview published in the French newspaper *Le Matin*, President Saddam Hussein confirmed earlier rumours that five Super Etendard aircraft equipped with Exocet missiles had arrived in Iraq. Earlier that year, Iraq's Foreign Minister Tareq Aziz stated that his country was "determined to threaten Iranian economic and petroleum interests in the Gulf". The Iranians responded with a threat "to destroy the security of the Gulf" if Iraq used Exocet missiles.<sup>121</sup> Under pressure in the land war, Iraq initiated a war on commercial shipping in the Gulf. This phase in the Iran-Iraq War, commonly known as the "Tanker War" period, lasted up to the period before the adoption of Resolution 598.

#### **III.4 The "Tanker War" and the Internationalisation of the Conflict**

From the end of 1983 up until the early months of 1984 saw Iran launching a series of offensives; some of the attacks "inflicted heavy casualties on Iraqi troops".<sup>122</sup> The first half of that year also witnessed an increase in Iraqi attacks on tankers and merchant shipping calling at Iranian ports. Iran responded to this "new development" by attacking tankers belonging to Kuwait (Iraq's principal backer). This in turn led to intervention by the Saudi Air Force.<sup>123</sup> In the same period a French government loan of about half a billion US dollars was given to Iraq "designed to help the war-torn country to finance civil debt repayments in 1984".<sup>124</sup>

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<sup>120</sup> *Ibid.*, November 1, 1983.

<sup>121</sup> *Keesing's*, vol.XXIX, 1983, p.32595.

<sup>122</sup> *The Times*, (London), March 2, 1984.

<sup>123</sup> *Keesing's*, vol.XXX, 1984, p.33056.

<sup>124</sup> *The Times*, (London), March 2, 1984.



Retaliatory attacks by Iran on Kuwait and Saudi tankers prompted the Foreign Ministers of the Gulf Co-operation Council (GCC) to petition the UN Security Council in mid-May 1984. The Security Council adopted Resolution 552 on June 1, 1984, after it had completed its debate over the issue. The resolution called upon all states to respect freedom of navigation in the Gulf, and condemned the attacks on Kuwaiti and Saudi shipping. The resolution did not mention Iran specifically. The Iranian representative to the UN said

"We strongly support freedom of navigation; the Gulf should remain a zone of peace and security for all. But we cannot permit anyone to use the Gulf against us; it will either remain free and open to all of us, or nobody will be allowed to use it."<sup>125</sup>

The Iranian Foreign Minister said that his country had expected

"the United Nations to take a more responsible stance, considering the sensitive and significant role of the Persian Gulf ... But regrettably, the United Nation, influenced by petro-dollars and the superpowers, has ... adopt[ed] a one-sided stance."

This note of pessimism stemmed from the fact that a couple of days after the Security Council adopted Resolution 522, Iraq hit and damaged a Turkish tanker in Iranian territorial water.<sup>126</sup>

At this juncture it must be mentioned that almost a week before the Security Council adopted Resolution 552, the Foreign Ministry of Iran issued a statement (reprinted in Tehran's English daily *Kayhan International*) which reflects on the one hand its disillusionment with the role of the Security Council and on the other its perception of security in the Persian Gulf. Point one in the statement clearly acknowledges the tanker war as "the new situation" in the conflict and rightly concludes that it was "Iraq's intention to create disruption in free shipping in order to internationalise the war". It further stated that any stance taken by the Security Council without consideration of the above would further prove that the Council remained under the domination of the superpowers and hence "lacked the necessary qualifications to look into such important affairs".<sup>127</sup>

Point two stated that if Council resolutions failed to condemn (and punish) Iraq's newest

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<sup>125</sup> *Keesing's*, vol.XXX, *op.cit.*, p.33058.

<sup>126</sup> *Kayhan International*, June 9, 1984.

<sup>127</sup> *Kayhan International*, May 26, 1984.

violation of international law, it would be "creating the grounds for superpower intervention and eventually aggression against the rights of all countries in the region". The Iranian Foreign Ministry laid the blame on a number of states (Shiekhdoms) "south of the Persian Gulf" for not mentioning Iraq's share in the crisis.

The third point emphasised that, contrary to measures outlined in previous Security Council resolutions, there was full-scale political, economic and military support for the "Iraqi regime and especially those powers which have supplied the latest weapons enabling Iraq to attack the tankers".<sup>128</sup>

After attacks on Saudi and Kuwaiti tankers in May 1984, the US State Department seeing the situation as "a dangerous escalation", confirmed that the US had supplied airborne warning and control systems (AWACS) aircraft "to warn Saudi forces of any approaching aircraft". After further attacks by Iranian aircraft, the US administration announced on May 29 that Saudi Arabia would be supplied with 400 shoulder-launched Stinger anti-aircraft missiles and one KC-10 in-flight refuelling aircraft. "The supply was made under a presidential emergency powers order, thereby obviating the need for approval by Congress". Four days after the adoption of Council Resolution 522, "F-15 fighter aircraft of the Saudi Air Force intercepted and shot down one Iranian F-4 fighter".<sup>129</sup>

Recognising the pace at which the war was becoming internationalised, especially with the direct military aid from the US and her allies in the region, the Iranian speaker of the Majles (Parliament) was reported as saying that "his country did not want to see a catastrophe in the area and was anxious to settle its disputes by diplomacy rather than war". In a prayer meeting, the speaker reiterated that Iran would resort to "appropriate talks and meetings ... provided that it did not jeopardise the honour and spirit of our revolution".<sup>130</sup> In the opinion of some observers,

"Fully aware of the rationale behind the new Iraqi strategy, Iran did its best to keep the great powers out of the Gulf ... it went to great lengths to keep its responses to the lowest level possible, avoiding public acknowledgement of attacks on civilian

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<sup>128</sup> *Ibid.*

<sup>129</sup> *Keesing's*, vol.XXX, *op.cit.*, pp.33058-9.

<sup>130</sup> *The Times*, (London), June 2, 1984.

shipping and taking much care to alleviate international fears of the possible closure of the Strait of Hormuz."<sup>131</sup>

The Iranian army launched several offensives towards the end of 1984. The main offensive code-named "Badr" was carried out in March 1985, but suffered serious setbacks. The main objective of this offensive was to cut off the strategic Baghdad-Basra highway, and involved an estimated 100,000 men. From the outset of the offensive, Iran accused Iraq of employing chemical weapons. Doctors treating injured Iranian soldiers in West Germany, Belgium and Britain confirmed that many of the wounded "were suffering from symptoms identical to those caused by mustard gas".<sup>132</sup> Coupled with this, the arms embargo code-named "Operation Staunch", orchestrated by the US, had begun to affect Iran's battlefield performance.<sup>133</sup> The Security Council remained silent over the use of chemical weapons by Iraq. However the President of the Council issued a formal statement strongly condemning the use of chemical weapons.

Though there were some efforts at mediation by the Islamic Conference Organisation and the late ex-Prime Minister of India, Rajiv Gandhi, the overwhelming foreign support was for Iraq. Ayatollah Khomeini believed that the war must continue until the aggressor was punished. Notable opposition leaders inside Iran, like Mehdi Bazargan drew the attention of the government to the futility of the war in June 1985 and called for a referendum on the question. Towards the end of 1985, it was reported that the French had supplied advanced Mirage F-1 fighter aircraft, armed with Exocet missiles, to Iraq.

The second phase of the tanker war started in 1986, and culminated in the re-flagging of Kuwaiti oil tankers by the United States. In the second week of February, 1986 Iranian forces managed to breach Iraqi defences around the port and former oil terminal of Al Fao. In pursuing

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<sup>131</sup> Efraim Karsh, "From Ideological Zeal to Geopolitical Realism: The Islamic Republic and the Gulf", in Efraim Karsh (ed.), *The Iran-Iraq War: Impact and Implications*, London, Macmillan, 1987, p.37. Iranian policy makers were cognizant of the fact that any disruption of supplies to Western oil consumers by the closing of the Straits would leave them (and especially the US) with no other alternative but to intervene with military force.

<sup>132</sup> The CIA claimed that a pesticides manufacturing plant which had been supplied to Iraq by the Federal Republic of Germany in December 1983 could be used to produce chemical weapons. The West German government announced in August 1985 that it would tighten controls on the export of all chemical manufacturing equipment. See *Keesing's*, vol.XXXI, 1985, pp.33560-62.

<sup>133</sup> Anthony Cordesman, *The Iran-Iraq War and Western Security 1984-1897: Strategic Implications and Policy Options*, London, Jane's Publishing Company Ltd., 1987, p.79.

an earlier objective, Iranian troops advanced and captured the town of Umm al Rassas, opposite the strategic port city of Basra. It was reported that "the elite Iraqi Republican Guard ... suffered at least 10,000 casualties" in trying to keep the Iranians outside the city of Al Fao.<sup>134</sup> Some authors have described the capture of Al Fao as "one of the most stunning moments of the entire war ... Iran was on the offensive, aggressively moving into Iraq".<sup>135</sup> United States intelligence was unable to provide the regular satellite information to the Iraqi field commanders because of bad weather conditions and failed to report this to the strategists in Baghdad.<sup>136</sup> In the same period, foreign ministers from Saudi Arabia, Kuwait, Jordan, Morocco, Tunisia and North Yemen joined with Iraq in requesting a meeting of the UN Security Council to condemn the "Iranian aggression". A week after making this request, an Iranian civilian aircraft on a domestic flight was shot down by the Iraqi Air Force (February 20, 1986). The incident claimed the lives of senior government officials and deputies of the Majles (Parliament).<sup>137</sup>

On February 26, 1986, the Security Council adopted Resolution 582, its sixth resolution on the Iran-Iraq war. Resolution 582 voiced concern over the use of chemical weapons, and called on both parties to observe a cease-fire and withdraw their forces to the internationally recognised boundaries, and to exchange prisoners of war without delay. The question of POWs was raised for the first time. There was however no condemnation of Iraq for the violation of the Geneva Protocol of 1921. After the adoption of Resolution 582, the Iranian forces launched further attacks against Iraqi positions. Both sides claimed success, which were difficult to verify. During this period, *Kayhan International* quoted Prime Minister Hussein Musavi who, in analysing relations between Iran and the world forums, said:

"Whenever the Islamic Republic starts to move in retaliation ... international circles make a fuss ... But whenever the Iraqi regime is in danger, there start discussions on the alleged threat to the world peace".<sup>138</sup>

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<sup>134</sup> *Keesing's*, vol.XXXII, 1986, p.34517.

<sup>135</sup> Robin Wright, *In the Name of God: The Khomeini Decade*, New York, Simon and Schuster, 1989, p.142.

<sup>136</sup> *The Iran-Iraq war and Western Security 1984-1987*, *op.cit.*, pp.92-96. The author observes that American intelligence suggested to Iraqi strategists that the Iranian offensive would take place north of Basra. What they failed to report was that monsoon clouds had prevented the satellite from taking photographs of the area south of Basra – where the attack ultimately came from.

<sup>137</sup> *Keesing's*, vol.XXXII, *op.cit.*, p.34516.

<sup>138</sup> *Kayhan International*, February 25, 1986.

Nevertheless, after considering the report of UN specialists appointed to verify whether Iranian soldiers had been exposed to a toxic agent attack, the President of the Security Council issued a statement strongly condemning the use of chemical weapons by Iraq. After the widening of attacks on merchant shipping and civilian targets, the Secretary-General in a statement to the Security Council stressed the necessity for the Council to establish a basis for negotiation acceptable to both parties. On October 8, 1986 the Security Council adopted Resolution 588, expressing deep alarm over the prolongation and escalation of the war and requested the Secretary-General to intensify his efforts to negotiate a peace and report to the Council. In spite of international agreement that the war had gone on for too long,

"Around the world strategists shared the Iranian assessment, ... the more successes the Iranians achieved, the more the outside powers were inclined to help Iraq ... A consensus was gradually emerging that Iran could not be allowed to win ... so ... the Americans began passing on to Iraq intelligence from their satellite pictures ... [and] the Russians were soon back in their old role as Iraq's main supplier".<sup>139</sup>

#### **IV. The Shift of Mediation to the Secretariat**

The role of the Secretariat and more importantly of the Secretary-General has been paramount in the Iran-Iraq conflict. The office and personage of the Secretary-General and his representatives have continuously been involved since the outbreak of hostilities in 1980, but it was only in 1988 under the supervision of Javier Perez de Cuellar that the United Nations was able to convert the opportunities presented to it into a proposal, bringing both parties to negotiate a peace. More pertinently, for Iran, its disillusionment with and boycott of the Security Council meant that the office of the Secretary-General was the only recourse to an internationally overseen cease-fire. Although it was Security Council Resolution 598 which became the basis of ending the war between Iran and Iraq, it will become clear in this section that, without the availability of the good offices of the Secretary-General and Perez de Cuellar's diligence and diplomatic style, this peace may not have been possible.

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<sup>139</sup> John Bullock and Harvey Morris, *The Gulf War: its Origins, History and Consequences*, London, Methuen, 1989, pp.158-9.

On September 22, 1980 Kurt Waldheim, the UN Secretary-General, appealed to Iran and Iraq to find a peaceful solution to their dispute and to this end offered his good offices. At his urging, the President of the Security Council issued a statement supporting the Secretary-General's offer and soon afterwards the Security Council adopted Resolution 479. This first resolution failed to call for a withdrawal to internationally recognised boundaries and became the basis of Iran's estrangement from the Security Council. It is interesting to note that in Kurt Waldheim's memoirs he puts forward what G.R. Berridge called the "fantastic argument"<sup>140</sup> that for the Security Council to have insisted on a withdrawal of forces to internationally recognised boundaries would be tantamount to taking "a position on the substance of the dispute" at a very early stage, thus violating the neutrality of that body.<sup>141</sup> As the preceding sections have shown it was not until Iranian forces were poised for an invasion of Iraq, starting in 1982, that the Security Council decided to call for an end to the war. This alienated Iran from the Council and caused Tehran to reject all of its resolutions. After the appointment of Perez de Cuellar as Secretary-General, Iran was able to resume its links with the world body and continue to press forward its conditions for a cease-fire.

In the early stages of the conflict, Iran's total mistrust of the Security Council meant that any mediatory role that the UN might play would have to be played by the Secretary-General. As mentioned earlier (*Footnote 147*), Waldheim's association with the monarchy made him an unsuitable candidate with the Iranian government (as was proven by his aborted efforts to resolve the hostage crisis). Nevertheless, he was astute enough to ensure continuous UN participation by choosing to appoint Olaf Palme, ex-Prime Minister of Sweden, as his representative. Mr. Palme of course had impeccable qualifications for the job and was readily acceptable by both Iran and Iraq. However, by 1982, Mr. Palme had to call off his peace-seeking missions to both countries because of insufficient support from the permanent members of the Security Council.<sup>142</sup>

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<sup>140</sup> *Return to the UN: UN Diplomacy in Regional Conflicts, op.cit.*, p.49. In his explanation as to the reasons why the United Nations was unable to prevent the outbreak of war or act sufficiently to stop it for many years, G.R. Berridge indicates that Kurt Waldheim's proximity to the Shah alienated him from the revolutionary government and made him appear as an agent of the United States, especially during the period of the hostage crises.

<sup>141</sup> Kurt Waldheim, *In the Eye of the Storm: The Memoirs of Kurt Waldheim*, London, Weidenfeld and Nicolson, 1985, p.172.

<sup>142</sup> For the sequence of events during the period and their implications see Sections II and III of this chapter.

Perez de Cuellar's first successes came in 1984 when he managed to arrange a temporary truce in the ongoing "War of the Cities" and attacks on international shipping. In mid-1984 the attacks on cities and on tankers in the Gulf were escalating; the Secretary-General urged the Presidents of Iran and Iraq to refrain from deliberately attacking civilian centres and targets.<sup>143</sup> Both sides accepted this and a moratorium on attacks on civilian areas came into play in June, 1984. United Nations observer teams were sent to both belligerent capitals to monitor the truce.<sup>144</sup> Compliance with the agreement to refrain from attacks on civilian areas however ended nine months later, when in March 1985 Iranian gunners retaliated against Iraqi air raids in the Southern cities of Bushire and Ahvaz by shelling Basra.<sup>145</sup>

Earlier that year, towards the end of February, despite Iraqi denials, Iran reported large-scale use of chemical weapons against its civilians and troops. In March 1984 the Secretary-General decided to send a fact-finding mission under his own authority to investigate the allegations. The report of the mission, which was submitted to the Security Council, verified the use of chemical weapons on Iranian territory, but declined to mention which party had actually used them.<sup>146</sup> However, with the arrival of Iranian victims of chemical warfare in European hospitals, the Security Council issued a stronger statement, condemning the use of all weapons banned by the 1925 Geneva Protocol. Finally, following the findings of the UN missions in 1986 and 1987, which concluded that Iraq had indeed deployed chemical weapons against Iranian forces, the President of the Security Council for the first time condemned Iraq for this practice.<sup>147</sup>

Given the high propensity of negotiations being bogged down because of the inflexibility of both parties, Perez de Cuellar attempted to avoid stalemate situations by concentrating on particular issues in the larger conflict. For a week in March 1985, the Secretary-General met with the deputy Foreign Minister of Iran and the Foreign Minister of Iraq in New York and presented them with an eight-point proposal to seek an end to the conflict.<sup>148</sup> The proposal was incrementally

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<sup>143</sup> See Annex II pertaining to Chapter VI of this thesis, especially June 9, 1984.

<sup>144</sup> *Ibid.*, June 21 and June 26, 1984.

<sup>145</sup> *Keesing's*, vol.XXXI, *op.cit.*, pp.33560-61.

<sup>146</sup> *Keesing's* vol.XXX, *op.cit.*, p.33058.

<sup>147</sup> See Chapter VIII of this dissertation.

<sup>148</sup> See Annex II to Chapter VII of this thesis.

designed to culminate in a negotiated settlement, acceptable to both sides. This step-by-step agreement was to be made up of certain crucial elements such as an end to attacks on population centres, civil aviation, merchant shipping and on ports and oil facilities, a total ban on the deployment of chemical weapons, and an exchange of prisoners of war, culminating in a cease-fire and a withdrawal of forces to internationally recognised boundaries and the beginning of peace talks.<sup>149</sup>

In the first week of April 1985, the Secretary-General visited Tehran and Baghdad, and on his return reported to the Security Council "that both Governments desired peace, had confidence in his efforts and were agreed that his proposals presented to them in March could serve as a basis for further discussion".<sup>150</sup> The peace proposal ran aground because Iraq wanted an immediate cease-fire as outlined in Resolution 582 (1986) of the Security Council, and Iran on the other hand saw the Secretary-General's proposal only as a basis for future talks. Iran also refused to entertain the possibility of having any kind of negotiations while Saddam's government remained in power in Iraq. In 1986, the Iranian forces launched a massive assault into Iraqi territory, the ensuing land battles, air attacks and attacks on oil installations and shipping complicated the existing military situation. The retaliatory use of chemical weapons seemed to indicate the desperate straits in which Iraq found itself.<sup>151</sup>

During the above period, the Secretary-General had come to be accepted by both sides and thus became the central figure with a possibility of playing a direct role in future negotiations. Much of this can be attributed to Perez de Cuellar's strong belief in a negotiated settlement. Speaking in Paris, he stated that he had "not lost hope" and more importantly was "convinced [that] the search for a solution [could not] advance until there [was] a new debate in the Security Council". He expressed the hope that Iran and Iraq would attend this debate. An Iranian daily, reported that the Secretary-General had told the French daily *Le Monde* that Iran believed the UN Security Council decisions were always pro-Iraq.<sup>152</sup> This observation was nothing new, but

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<sup>149</sup> The eight-point proposal was not given any detailed publicity. The above information was related to the author by Mr. Shahbestari who served as the assistant to the permanent representative of Iran to the United Nations during this period. *ibid.*, for the events and diplomacy preceding the eight-point proposals in the year 1985.

<sup>150</sup> *Ibid.*

<sup>151</sup> For details of the war during this period see *Keesing's*, vol.XXXII, *op.cit.*, pp.34514-16.

<sup>152</sup> *Kayhan International*, April 25, 1985.



coming from the Secretary-General himself it increased the faith of the Iranians in the Secretary-General as someone who was willing to recognise the nature of the Council.<sup>153</sup>

In spite of recognising the absence of any change in the positions of either Iran or Iraq, Perez de Cuellar told a news conference a day after returning from the belligerent capitals that he did "not intend to give up ... He listed three important things: that both sides want[ed] peace, both want[ed] him to continue his contacts and that both have confidence in the Secretary-General".<sup>154</sup> The former First Secretary of the Iranian permanent mission to the United Nations in New York between the years 1979-87 described the Secretary-General as "someone who is very sensitive about war and human life ... and someone who is very human".<sup>155</sup> He then went on to add that this was one of the reasons which enabled his delegation to work with the office of the Secretary-General but not with the Security Council.<sup>156</sup> Apparently, during informal sessions of the Security Council some members were unhappy with the stance the Secretary-General was taking *vis-à-vis* the conflict, because the latter, while not supporting Iran "a hundred percent" chose to remain "in the middle" and not "a hundred percent on the other side" (meaning on the side of Iraq). The former Iranian First Secretary cited this as another reason why the Secretary-General was able to "build ... confidence" and continue to have dialogue with his country's delegation.<sup>157</sup>

In January 1987, the Secretary-General called upon the permanent members of the Security Council to undertake a fresh initiative to seek peace in the Gulf, making certain specific recommendations about the steps to be taken. First, the Secretary-General called for a discussion of the Gulf War by the Security Council at foreign ministry level. Secondly, he proposed that an impartial body be set up to investigate and identify who was responsible for the conflict.<sup>158</sup> This initia-

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<sup>153</sup> First Secretary Shahbestari agreed with the above view, adding that though it angered some members of the Security Council that Iran was beginning to develop a close working relationship with the office of the Secretary-General, it was only because the Secretary-General "was trying to be with the party which was just". *Interview at the Institute of Political and International Studies in Tehran*, October 16, 1990.

<sup>154</sup> *Kayhan International*, April 13, 1985.

<sup>155</sup> To prove his point about Perez de Cuellar sensitivity the ex-Iranian First Secretary said that the Secretary-General had once told him that had his career not developed as a diplomat he would have become a pianist. *Interview with First Secretary, Shahbestari in Tehran*, October 16, 1990.

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.* Emphasis added.

<sup>158</sup> *UN Chronicle*, May 1987, p.12.

tive taken by Perez de Cuellar was timely, because it coincided with a major Iranian ground offensive (Karbala – 5) launched against Iraqi lines east of Basra in an attempt to either "occupy or to encircle the city, and thereby to precipitate the downfall of President Saddam Hussein ...". After six weeks of heavy fighting, "Karbala – 5" was called off.<sup>159</sup> By mid-1987, the war escalated with the involvement of the navies of the United States and the Soviet Union, reportedly there to protect shipping in the Gulf. The increased risks of an international conflict gave fresh momentum to finding ways to end the war.

## V. Security Council Resolution 598 and the Iran-Iraq War Cease-fire

It is agreed that the diplomatic work behind Security Council resolution 598 was initiated by the French and later on taken and developed by the British. By remaining in direct contact and taking care that the wording of the resolution would not drive the Iranians away from the negotiation table, the British were able to become the main conduit through which Iran was able to approach the Security Council. The timing with which Resolution 598 was drafted and adopted was dictated by particular political and military developments which are discussed below. However, it was the first time that Iran did not reject a decision emanating from the Security Council, but chose to consider it, subject to certain reservations.

In the first week of June, the *New York Times* reported that Iran had purchased an estimated 20 Chinese-made Silkworm missiles capable of hitting ships passing through the Straits of Hormuz. This alarmed American officials and raised the hopes of Iraq, among other states in the region, that "the superpowers [would intervene and] bring the seven year conflict to an end".<sup>160</sup> By mid-July it was announced that Kuwait's request for American protection of its oil shipments from the Gulf would be met, and "American warships were getting ready to escort Kuwaiti tankers". The same day that the *New York Times* reported a gathering of a "formidable US Fleet ..." in the Persian Gulf, Iran announced that it was going to begin military manoeuvres in the region involving its ground, sea and air forces.<sup>161</sup> It should be mentioned that almost a month prior to

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<sup>159</sup> *Keesing's*, vol. XXXIII, 1987, pp. 35158-60.

<sup>160</sup> *The New York Times*, June 4, 1987.

<sup>161</sup> *The New York Times*, July 19, 1987.

the above developments, i.e. mid-June 1987, a draft resolution had been accepted by the permanent members of the Security Council and was being mooted to the remaining members. Towards the end of June, the United States Ambassador to the UN visited Moscow and this was followed by further talks between America and the Soviet Union in Geneva in early July.<sup>162</sup>

On July 20, 1987, the United Nations Security Council adopted Resolution 598 calling for an immediate cease-fire and an end to the war. Paragraph one of the resolution demanded an immediate cease-fire and withdrawal of forces to international boundaries even before any negotiations of issues between the belligerents could be considered.<sup>163</sup>

Resolution 598 was viewed by many as being both fair and comprehensive compared to other Security Council resolutions. The American Secretary of State, George Shultz, remarked that the resolution was "scrupulously evenhanded".<sup>164</sup> Neither Iran nor Iraq rejected the resolution,<sup>165</sup> though Iran did not accept it outright. Iran's Ambassador to the United Nations, Saed Rajai Khorassani, called the resolution "a vicious American diplomatic manoeuvre" but said his government would study the document and await the "package" offered to Iran by the United Nations and Secretary-General before deciding on a response.<sup>166</sup> Observers like Gary Sick commented, "It was an open secret in the UN that the resolution was intended to lend support to Iraq and to punish Iran".<sup>167</sup> Resolution 598 was "taken in a week that American warships were to begin escorting Kuwaiti oil tankers through the Strait of Hormuz".<sup>168</sup> In this connexion, Ambassador Khorassani remarked that the vagueness of resolution was proved even more "worthless" by the presence of US frigates in the Persian Gulf, in an open violation of paragraph five which called upon outside powers to refrain from any provocative acts which would widen the

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<sup>162</sup> *The Economist*, August 22, 1987.

<sup>163</sup> See Annex III for the full text of Resolution 598 and the reply of Iran to the same is to be found in Annex IV pertaining to Chapter VII of this thesis.

<sup>164</sup> Excerpts from George Schultz's statement to the Security Council reproduced in *The New York Times*, July 21, 1987.

<sup>165</sup> See Annex IV and V of Chapter VII for the replies of the governments of Iran and Iraq to Security Council Resolution 598.

<sup>166</sup> *The New York Times*, July 22, 1987.

<sup>167</sup> Gary Sick, "The United States and the Persian Gulf", in Hanns W. Maull and Otto Pick (eds.), *The Gulf War: Regional and International Dimensions*, London, Pinter Publishers, 1989, p.133.

<sup>168</sup> *The New York Times*, *op.cit.*, July 21.

conflict.<sup>169</sup>

At the time Resolution 598 was adopted, Iran was in possession of the Fao peninsula (captured in February 1986), and so it was expected that rather than giving up this strategic piece of land, Iran would reject the resolution, which in turn would justify America's proposal to impose a second resolution calling for sanctions – consisting of an arms embargo. Iran's attitude of "not accepting, not rejecting" put to rest this strategy which anyway was not very popular with either the Soviet Union or China.<sup>170</sup> Iran initially responded to Resolution 598 by concentrating on paragraph six, which called for an impartial body to determine who started the war. Iraq, on the other hand, welcomed the resolution and was willing to implement it on the condition that Iran showed readiness to accept it without conditions.

In his first letter to the Secretary-General after Resolution 598 (July 24, 1987), the Iranian Foreign Minister Ali Akbar Velayati said that the "resolution ... [was being] carefully considered" and the position of Iran would be declared in detail. In the same letter, Velayati stated that the Security Council should call on the United States to withdraw its "military presence" from the Gulf and cease to protect Kuwait's oil shipments, whose proceeds were being used to finance Iraq.<sup>171</sup> In a second letter (August 10, 1987), Foreign Minister Velayati asked why the Security Council continued to be silent and inactive in the aftermath of a chemical attack on the Iranian city of Sardasht? He added that the response of the United Nations to this and other issues would help his country's "evaluation of the role of the ... Security Council *vis-à-vis* the war and its various dimensions".<sup>172</sup>

A letter dated August 11, 1987, from Velayati to the Secretary-General reflects in part Tehran's difficulties in accepting Resolution 598 and its absolute mistrust in the Security Council. The letter said that Resolution 598 was based on an "Iraqi formula for the resolution of the

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<sup>169</sup> *Kayhan International*, July 23, 1987.

<sup>170</sup> An arms embargo was not well-supported by the Soviet Union or China, who felt their influence in the area would wane. During a Security Council debate, the "Chinese delegate appeared to signal his country's reluctance to approve a second resolution that would impose an arms embargo". *New York Times*, *op.cit.*, July 21.

<sup>171</sup> *UNDoc.*, S/19883.

<sup>172</sup> *Ibid.* This and the above letter were two preliminary letters preceding Iran's detailed response to Security Council Resolution 598.

conflict"<sup>173</sup> and that Iran had not been consulted during the drafting process. Because of this and an American bias in favour of Iraq, the resolution could not be considered "balanced, impartial, comprehensive and practical". Using a much-favoured argument by Tehran, the letter asked that, even before identifying the "aggressor" nation, how could the Security Council have "recourse to Article 39 of the Charter" and end the war because it constituted "a breach of the peace"? Iran felt that by overlooking Iraq as the initiator of the war and its opening actions as a breach of the peace, the Security Council had become "a party to the conflict ... and [would] not be able to play a positive and constructive role".

August 1987 was the period when Iran was preparing itself for a direct confrontation with the American forces in the Gulf. In this connexion, Velayati said that the American presence in the Persian Gulf was in "clear violation of paragraph 5 of the resolution", which discourages any actions that might exacerbate the conflict. Lastly the letter said that the eight-point proposal put forward by the Secretary-General in March 1985 seemed to be the only viable plan which addressed the different aspects of the war and provided a "suitable ground for future efforts of the Secretary-General". It is important to note that, while Iran did not reject the resolution, it felt that as "the victim of aggression" – it should be instrumental in determining "how the war can be terminated, [and that no change was possible] in the course of the war as long as the conditions of the Islamic Republic of Iran [were] not met".<sup>174</sup>

Iran's non-rejection of Resolution 598 was considered positively by some members as a sign of flexibility in future dealings. But what Iran was seeking to achieve was a modification of the terms contained in Resolution 598 which would lead to a cease-fire. In an anticipatory move, Iraq's Foreign Minister wrote to the Secretary-General making it clear that his country was fully satisfied with the text of the resolution and claiming that Iran's response of August 11, 1987 constituted a "form of selective approach" and was a way of continuing the war.<sup>175</sup>

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<sup>173</sup> It was reported in the American press that Iraqi officials had said during the period in which Resolution 598 was being drafted that "economic sanctions and a military embargo against Iran would bring Tehran to the peace table". *The New York Times*, June 4, 1987.

<sup>174</sup> *UNDoc.*, S/19031. The conditions included the naming of Iraq as the aggressor and the payment of war reparations.

<sup>175</sup> *UNDoc.*, S/19045 and S/19049.

In order to establish its credentials with the Security Council, Tehran engaged in a series of diplomatic moves which began with the visit of Iran's deputy Foreign Minister, Mohammad Javad Larijani, to New York to discuss Resolution 598 with Perez de Cuellar, who by now was the established link between the belligerents and the Security Council. Recalling this period, Larijani said that "It [did] not make sense that the Iraqis being the aggressor, [should] carry the flag of peace. We are defending peace so the flag should be in our hands".<sup>176</sup> While in New York Larijani also met with the President of the Security Council and with the deputy Foreign Minister of the Soviet Union. With the latter he discussed issues related to disarmament and the increased foreign military presence in the Persian Gulf region.<sup>177</sup> In the view of the Iranian deputy Foreign Minister Larijani, Security Council Resolution 598 was a "focal turning point for Iran, from discarding the UN to coming into it and trying to be part of the game".

Describing the role of the Secretary-General, he said "Mistrust in the UN was not mistrust in the Secretary-General, because he used his personal good offices rather than the general structure of the United Nations". In acknowledging the timely intervention of Perez de Cuellar, Larijani using a metaphor said "the fruit was ripe at the moment when the Secretary-General acted. The Secretary-General's role was to prepare a basket, so that when the fruit falls it would not fall on the ground".<sup>178</sup>

On September 4, 1987, in what was construed as an Iranian effort to gain the confidence of the international community, Iran presented Perez de Cuellar with a written invitation to visit Tehran to discuss the scope of Resolution 598 as a forerunner for peace. The Council gave the Secretary-General the go-ahead to visit the area. A day earlier Iran's permanent representative to the UN stated that, in the opinion of Tehran, "the UN chief is a competent person" and that his country was not buying time with regards to Resolution 598 but "wanting to speak to the UN chief honestly".<sup>179</sup>

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<sup>176</sup> Interview with deputy Foreign Minister, Dr. Mohammad Javad Larijani, held at the Institute for Theoretical Physics and Mathematics, November 1990.

<sup>177</sup> *Kayhan International*, August 26, 1987.

<sup>178</sup> Interview with Dr. Larijani.

<sup>179</sup> *Kayhan International*, September 3, 1987.

The Secretary-General visited Tehran and Baghdad between September 11-14, 1987 and focused his talks on an outline plan for the implementation of Resolution 598. The Secretary-General's plan, which concentrated on achieving a cease-fire on a specific date, withdrawal of forces to internationally recognised boundaries, exchange of prisoners of war and the institution of an impartial body to determine the aggressor, was conditionally accepted by Iran. Deputy Foreign Minister Larijani described the initiative as "Not perfect in the eyes of everybody but ... definitely better than any other piece of document ... until that time".<sup>180</sup> In his report to the Security Council, Perez de Cuellar stated that Iran had agreed to an informal cease-fire, i.e. "an undeclared cessation of hostilities",<sup>181</sup> which was not to become "a public cease-fire"<sup>182</sup> until an impartial tribunal declared Iraq as the initiator of hostilities. Iraq, on the other hand, repeated its full acceptance of Resolution 598 and was not prepared to accept that an international body to determine the aggressor should precede the declaration of a formal cease-fire. Iraq also rejected the notion of an undeclared cease-fire, and emphasised that the cease-fire must be followed by withdrawal of all forces to internationally recognised boundaries. In the opinion of some commentators, the Iranian stance "would reserve the option to Iran to resume the fighting by rejecting the commission's [body set up to determine the aggressor] finding as flawed".<sup>183</sup>

The slow but steady process to achieve a cessation of hostilities suffered a serious setback one day before President Khomeini was to address the United Nations General Assembly, on September 22, 1987. On the previous day an American reconnaissance helicopter was reported to have spotted an Iranian landing craft sowing mines in the waters in the area north-east of Bahrain. United States helicopter gunships opened fire on the craft with no warning, killing three Iranian crew members and setting it on fire. In addition American navy commandos seized the ship and gathered 26 crew members from their life rafts.<sup>184</sup> Those who had waited earnestly for President

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<sup>180</sup> *Interview with Dr. Larijani.*

<sup>181</sup> "The United Nations and the Iraq-Iran War", *op.cit.*, p.512.

<sup>182</sup> *Return to the UN: UN Diplomacy in Regional Conflicts, op.cit.*, p.53.

<sup>183</sup> Majid Khadduri, *The Gulf War: The Origins and Implications of the Iraq-Iran Conflict*, New York, Oxford University Press, 1988, p.171.

<sup>184</sup> For the American position see *UNDoc.*, S/19149. For the Iranian response see *UNDoc.*, S/19153 and *UNDoc.*, S/19161.

Khomeini's speech to the General Assembly to contain some fresh perspective on Iran's position on Resolution 598 were disappointed. The Iranian President denounced the United States of America for its intervention in the Persian Gulf region and criticised the Security Council's failure to condemn Iraq for its responsibility in starting the conflict.<sup>185</sup>

On the same day, however, the Secretary-General held meetings with President Khamenei and deputy Foreign Minister Larijani to discuss certain points of Resolution 598.<sup>186</sup> In the meantime the confrontation between the United States and Iran, though confined to minor incidents, contributed significantly to the overall military and political situation in the area. Two days after the United States Navy destroyed a non-operational oil-rig which was being used by the Revolutionary Guard as a monitoring and docking station off the Iranian coast, the acting Foreign Minister Ali Mohammad Besharati told the Islamic Republic News Agency that, while "Iran has never ruled out political solutions to end the war ... the US and all its allies should know that as their crimes mount, Iran's conditions for ending the war will become stricter".<sup>187</sup> The United States meanwhile maintained with regard to the above situation that it had "exercised its inherent right of self-defence under international law".<sup>188</sup>

Iran's ambivalent attitude towards Resolution 598 coupled with the possibility of further escalation in the Persian Gulf involving the United States and the Soviet Union, resulted in a private meeting between the Secretary-General and the Foreign Ministers of the five permanent members of the Security Council.<sup>189</sup> Although the permanent members regarded the implementation of Resolution 598 as the "sole basis for a comprehensive, just, honourable and durable settlement of the conflict",<sup>190</sup> there nevertheless remained certain conflicts of interests. The Anglo-American stance was to combine the intensive mediation efforts by Perez de Cuellar (the mandate entrusted to the Secretary-General under paragraph 8 of Resolution 598) with the threat of an

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<sup>185</sup> UNGAOR A/42/IV.6.

<sup>186</sup> Annex II of Chapter VII of this thesis.

<sup>187</sup> *Kayhan International*, October 19, 1987.

<sup>188</sup> UNDoc., S/19149.

<sup>189</sup> Annex II of Chapter VII of this thesis. The meeting was convened under what is referred to as the "Secretary-General's Working Lunch" with Foreign Ministers of the Five Permanent Members.

<sup>190</sup> *UN Chronicle*, vol.XXIV, no.4, November 1987, p.17.



imminent arms embargo against Iran.<sup>191</sup> The Soviet Union also believed that unless Iran was warned it might jeopardise its own withdrawal from Afghanistan, posing a problem for the pro-Moscow regime of President Najibullah who was to take over the running of the country. China from the very beginning believed that the conflict could only be solved by reconciliation, and expected that the "major Powers in particular would exercise restraint". France's position was akin to China's, i.e. "a political solution, without victor and without vanquished".<sup>192</sup>

Unable to get Iran to comply with the existing provisions of Resolution 598 and following a resumption of the "War of the Cities", the United States Ambassador to the UN (in an interview with the Voice of America) reportedly stated that under Article 7 of the UN Charter the use of military force against any country which refuses to abide by the binding resolution of the Security Council was a possibility. Addressing the issue of the divided Council, the American envoy said that the most important thing was to "maintain the unity of the five members who [could] apply the biggest pressures on Iran to halt the war".<sup>193</sup>

The stalemate with regard to Resolution 598 slowly began to dissolve by early spring 1988. Iraq had managed to extend the range of her Soviet-supplied Scud-B missiles to reach twice their normal range of approximately 300 miles. This brought Tehran well within range and in the view of many observers changed the whole nature of the conflict. A journalist described the Scud attacks on Tehran as the biggest dent on the hitherto insulated regime, forcing it to reconsider the cost-benefit ratio of continuing the war.<sup>194</sup> The use by Iraq of poison gas against the Kurdish town of Halabjah, whose residents had openly sided with Iran, claimed the lives of at least 5,000 people. Though the "balance of international sympathy" had turned in favour of Iran,<sup>195</sup> both the above developments spelled the end of Iran's six-year domination of the war.

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<sup>191</sup> *House of Commons Debate*, Sixth Series, vol.120, October 21, 1987, col.723.

<sup>192</sup> *UN Chronicle*, vol.XXIV, *op.cit.*, pp.21-22.

<sup>193</sup> *Kayhan International*, November 1, 1987. The above statements were made in the aftermath of the destruction of the Iraqi Air Force headquarters in Baghdad by an Iranian surface-to-surface missile.

<sup>194</sup> Discussions with Iranian journalist living and working in Tehran during this period. Tehran, October 1991. Also Robin Wright mentions in her book that between February and April 1988 a total of 140 missiles hit the city; though the attacks did not result in many deaths, "psychologically it was devastating". *In the Name of God: The Khomeini Decade*, *op.cit.*, p.174.

<sup>195</sup> *Return to the UN: UN Diplomacy in Regional Conflicts*, *op.cit.*, p.55.

Iraq carried out air raids on Iranian economic and military targets, widely using chemical weapons. As a result, on April 18, 1988, Iraq recaptured the Fao peninsula. A combination of military and diplomatic pressure was put on Iran during this period. For example, on the same day that the Fao was taken back by the Iraqi army deploying chemical weapons, the United States Navy intervened directly after an alleged Iranian mine blew a hole in an American frigate in the Gulf. Robin Wright is of the view that what followed can be considered as one of the biggest US military engagements since the Vietnam War: the US Navy "destroyed two Iranian oil platforms, sank a patrol boat and a frigate, and badly damaged a second frigate and three smaller craft".<sup>196</sup>

On the diplomatic front the Security Council adopted yet another resolution (612) on May 9, 1988, which condemned the use of chemical weapons but did not specifically name Iraq. In a letter to the Secretary-General, Iran requested that the Security Council take "immediate measures to force Baghdad to stop its use of chemical weapons ..." and dispatch teams of chemical experts for further investigation.<sup>197</sup> Describing the general environment, deputy Foreign Minister Larijani commented that the "Iraqis were successful in generating some kind of international pressure against Iran, partly because of Iran, partly because of outside reasons".<sup>198</sup>

Prior to the recapture of the Fao peninsula, Larijani had held talks with the Secretary-General on the scope of Resolution 598, with particular reference to the renewed use of chemical weapons and the attacks on civilian areas. In the view of Larijani, "from the beginning of the revolution to this moment" there existed a mistrust between the UN and Iran. Recognising that the Charter not even being used as the basis for action of the UN and in view of the existence of Power-Politics in the Security Council and Secretariat, Iran deliberately decided that – instead of abandoning such a body – it "must play in it and use it for [its] national interest".<sup>199</sup> This period (May, June 1988) was one of the most trying periods for Iranian policy-makers and was reflected both in the internal as well as external spheres.

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<sup>196</sup> *In the Name of God: The Khomeini Decade, op.cit.*, p.176.

<sup>197</sup> *Kayhan International*, May 18, 1988. The UN responded by sending experts to Tehran between July 1-4, 1988.

<sup>198</sup> *Interview with Dr. Larijani*.

<sup>199</sup> *Ibid.*

On the national front, Mehdi Bazargan, the Islamic Republic's first Prime Minister addressed an open letter to Ayatollah Khomeini asking him to stop the war immediately.<sup>200</sup> This protest was accompanied by anti-war demonstrations all over Iran, the situation has been attributed to flagging public morale combined with the rapid decline of public amenities and the rise in the cost of living.

Internationally, Iran was attempting to drive a wedge between the Soviet Union and the United States *vis-à-vis* any settlement of the conflict and the future security of the region. Deputy Foreign Minister Larijani, while on the one hand discussing ways and means of removing "obstacles in the way of Resolution 598" with Perez de Cuellar, criticised the "Soviet Union's weak reaction to the US naval attack on Iranian oil platforms in the Persian Gulf". Describing "Moscow's policy towards the US in the world [as] passive", Larijani added that the "US aggression was not only against Iran ... [but] was a threat to the security of the Soviet Union".<sup>201</sup> It was no secret that, though Iran deplored the Soviet invasion of Afghanistan, it was willing to employ all its efforts to help the Soviet withdrawal "so that an American-inspired regime would not come to power in Afghanistan".<sup>202</sup> In the UN, Iran was following a vigorous routine with a view to making real headway in the implementation of Resolution 598. This included a proposal to set up working committees to decide the agenda and issues to be discussed with regard to achieving a cease-fire and even re-sequencing the provisions set forth in Resolution 598. Deputy Foreign Minister Larijani described his country's efforts as "an offensive, but for peace".<sup>203</sup>

During the first week of July, preceding the Iran Air tragedy, Speaker Rafsanjani indicated on national television that Iran must be ready to accept a political solution to the war, since the situation on the battle front was proving to be inconclusive. On July 3, 1988, USS Vincennes shot down an Iranian civilian airliner, claiming the lives of 290 passengers aboard, including 66

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<sup>200</sup> Bazargan's letter was not published in Iran, but was distributed manually. The letter also found its way to foreign press agencies.

<sup>201</sup> *Kayhan International*, May 2, 1988.

<sup>202</sup> The above statement was made by acting Foreign Minister, Ali Mohammad Besharati, in answer to whether he had discussed any plan with the visiting Soviet deputy Foreign Minister Vladimir Petrovsky, regarding withdrawal. *Kayhan International*, February 16, 1988.

<sup>203</sup> *Interview with Dr. Larijani*. See also *Kayhan International*, May 30, 1988.

children. It was observed with a certain irony that this incident presented the government in Tehran with a pretext to decide to end the war and brought Iran back to the table in the Council Chamber which it had boycotted for almost eight years.<sup>204</sup>

At the urgent request of Iran, the Security Council convened special meetings to discuss the shooting down of the Iranian airliner. At one such meeting (July 17, 1988), which was attended by the American Vice-President, George Bush, and Iran's Foreign Minister Ali Akbar Velayati, it was announced that Iran's President Ali Khamenei had written to inform Secretary-General Javier Perez de Cuellar of his country's decision to accept Security Council Resolution 598. Iran said it accepted the resolution "because of the importance it attached to saving the lives of human beings, and the establishment of justice and regional and international peace and security". Iran said the "fire of war" which Iraq had started on September 22, 1980 had "gained unprecedented dimensions", bringing other countries into the war.<sup>205</sup> Deputy Foreign Minister Larijani supported this view, saying that because "the situation was volatile in the region, it was enough, we pulled out and we did that". He also added that due to the presence of the "foreign armada – we decided this was the time to end the hostilities".<sup>206</sup>

On July 19, Iraq's deputy Prime Minister Tareq Aziz said, in a statement made available to the UN, "that while his country was wary of Iran's intentions, nevertheless it approached the new development with open minds". The letter emphasised that Iraq would not agree to "any partial measures that do not lead surely, and within a clear, sound and agreed plan, to a comprehensive and lasting peace", adding that the implementation of Resolution 598 should be in accordance "with the sequence of its operative paragraphs".<sup>207</sup> The Vice-President of the United States, George Bush, referring to the shooting down of the Iranian airbus, said the "tragic accident" had occurred "against a backdrop of repeated, unjustified, unprovoked and unlawful Iranian attacks

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<sup>204</sup> This view was common to both Iranian and Western observers, who generally believed the war had gone on for much too long. See for example Shahram Chubin, "The last phase of the Iran-Iraq War: from stalemate to cease-fire", in *Third World Quarterly*, vol.11, no.2, April 1989, pp.13-14.

<sup>205</sup> *UN Chronicle*, vol.XXV, no.4, December 1988, p.22.

<sup>206</sup> *Interview with Dr. Larijani.*

<sup>207</sup> *UN Chronicle*, vol.XXV, *op.cit.*, p.22.

against United States merchant shipping and armed forces ... and Iran must bear a substantial measure of responsibility for what happened". The above statement was made in reply to a statement made by the Iranian Foreign Minister, Ali Akbar Velayati, who characterised the incident as a "dastardly attack ... by a reckless and incompetent naval force led by aggressive and expansionist policy-makers".<sup>208</sup>

On July 18, 1988, after Iran's formal acceptance of Resolution 598, Perez de Cuellar presented the Iranian and Iraqi delegation with a modified proposal for implementing cease-fire based on the text of Resolution 598 on and his initial plan of October 15, 1987.

The proposal contained the following salient points which were to be followed after a cease-fire date (D-day):

- (i) Three days after D-day, the Iranian and Iraqi armed forces will begin withdrawing to the internationally recognised boundaries (as stipulated in the 1975 Algiers Accord). Withdrawals will be completed 13 days after D-day (D+13).
- (ii) On D-day, the parties will co-operate with the International Committee of the Red Cross (ICRC) and facilitate the registration of Prisoners of War (POWs). The registration will be completed 21 days after D-day (D+21). Repatriation of the POWs will start 21 days after D-day (D+21) and end 81 days after D-day (D+81).
- (iii) On D-day, the Secretary-General will announce that, under his auspices, the two sides will conduct negotiations on all outstanding issues, to reach a just, honourable, and acceptable settlement.
- (iv) On D-day, the Secretary-General will announce that he is arranging for the designation of an impartial body to determine the responsibility for the hostilities. The impartial body will be drawn from Justice X of the International Court of Justice (ICJ) as President, Mr. Y and Mr. Z. It will start its work no later than 21 days after D-day (D+21), complete its work no later than 90 days after D-day (D+90), and

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<sup>208</sup> *Ibid.*, p.27.

report to the Secretary-General.

- (v) On D-day, the Secretary-General will arrange the set-up and the dispatch of a team of UN specialists to inquire into and study the question of national reconstruction. It is understood that this team will submit its report to the Secretary-General 90 days after D-day (D+90).<sup>209</sup>

Before the date of the cease-fire was announced, Iraq stated that it wished to conduct direct talks with Iran. This was seen by the Iranians as a ploy to scuttle the peace-resolution.<sup>210</sup> Sources close to the negotiations said that to avert the possibility of a deadlock, the Secretary-General prepared a three-point formula. Firstly, Perez de Cuellar urged both sides to "pledge their assurances that they are in favour of the implementation of all the constituent parts of Resolution 598 without exception". Secondly, it urged the parties to guarantee that they would agree to "direct negotiations in the final stage of the conflict resolution following the cease-fire". Lastly, the Secretary-General sought separate guarantees from the two countries that "what they pledge before the cease-fire is put into effect". There was no immediate reaction to this formula from either party.<sup>211</sup>

Iran's opposition to direct talks was based on the premise that both Resolution 598 and the Secretary-General's implementation plan already provided a suitable agenda. However, on August 8, 1988 the Secretary-General announced to the Security Council that from August 20, 1988, a cease-fire would be observed by both parties, and the deployment of United Nations observers and beginning of direct talks between Iran and Iraq would start on August 25, 1988.<sup>212</sup>

### V.1 Implementation of Security Council Resolution 598

One day after announcing the date of the cease-fire, the Security Council adopted Resolution 619, which called for the immediate setting up of a United Nations Iran-Iraq Military

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<sup>209</sup> Quoted from Abbas Maleki's discussion paper on *Iran After Cease-Fire*, *op.cit.*

<sup>210</sup> *Interview with Dr. Larijani.*

<sup>211</sup> *Kayhan International*, August 7, 1988. Iran accepted this formula in principle, according to diplomats in Tehran.

<sup>212</sup> See Annex II pertaining to Chapter VII of this thesis for chronology of efforts by the Secretary-General leading to this stage.

Observer Group (UNIMOG) for a period of six months.<sup>213</sup>

A serious obstacle in the path of implementing Resolution 598 was the continuing use of chemical weapons by Iraq. In order to placate Iran and proceed with the peace negotiations, the President of the Security Council on July 26, 1988 in a meeting with the Iranian Foreign Minister, made it known that the "members of the Council are united in vigorously condemning the use of chemical weapons".<sup>214</sup> The following day, without condemning Iraq directly, the President of the Council called upon the Iraqi Foreign Minister to ensure a "maximum restraint in military activities", and conveyed to him that the Council members were "firmly united" against the use of chemical weapons.<sup>215</sup>

On the same day the first elements of the UNIMOG advance parties arrived in Tehran and Baghdad to meet with the authorities, and the Secretary-General decided to dispatch a mission to investigate Iran's allegations of further use of chemical weapons by Iraq. The mission was to spend two to three days in the area and thereafter return to Geneva to prepare the report.<sup>216</sup> A week after the date of the cease-fire was announced by the Secretary-General, the Security Council adopted Resolution 620, condemning the use of chemical weapons. The resolution – while not mentioning any country – "encouraged" the Secretary-General to investigate any alleged usage of chemical weapons.<sup>217</sup> The United States along with its key allies, Britain, West Germany and Japan also requested the Secretary-General to "dispatch investigators to northern Iraq to look for evidence of chemical warfare in the mountainous Kurdish regions". Significantly Iraq's acting Foreign Minister Sadoun Hammadi, while on a visit to Washington, was "careful not to reject the possibility of outside investigators visiting his country", but simultaneously added that "military operations inside Iraq would have to be completed before such an investigative team would be allowed in ...".<sup>218</sup>

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<sup>213</sup> *Ibid.*, The ground work for UNIMOG was prepared between July 25 and August 2 by the visit of a technical team headed by Lt. Gen. Martin Vadset (Norway) to Iran and Iraq, see *ibid.*, p.10. See also *Kayhan International*, August 17, 1988.

<sup>214</sup> UNPR, IR/50, SC/5028.

<sup>215</sup> *Ibid.*, IR/51, SC/5029.

<sup>216</sup> See UNPR, SG/SM/4176, IR/52, UNPR, SG/SM/4177, IR/53.

<sup>217</sup> See Annex II pertaining to Chapter VII of this thesis.

<sup>218</sup> This report was originally filed by UPI in Washington on September 13, 1988 and appeared in the Iranian daily

At this juncture it would be in place to examine the progress made in fulfilling Resolution 598, in the light of the obstacles in the path of the Secretary-General's substantive proposals for a negotiated settlement and – most importantly – of Iran's growing concern to see the terms of the peace resolution fully complied with.

After Iran's acceptance of Resolution 598 (July 17, 1988) up to August 1988, the Foreign Minister of Iran had nine substantive rounds of consultations with the Secretary-General and accepted the time-tables presented by the latter for the implementing all provisions of the resolution. Iraq, which hitherto had accepted Resolution 598, had begun to employ certain delaying tactics. The Foreign Minister of Iraq's talks with the Secretary-General centered around the possibility of conducting direct talks with Iran and not, as expected, around the time-table presented by Perez de Cuellar. At the same time Iraq intensified its military activities, resorting to chemical warfare in the hope of altering the post-cease-fire status quo in its favour. Iraq based its refusal to accept the procedure presented by the Secretary-General on the belief that Iran was attempting "to deal with the resolution selectively".<sup>219</sup> This line of argument was also used by Iraq to block the four-point plan of the Secretary-General presented on October 1, 1988. The plan called for a withdrawal of forces, the repatriation of POWs, freedom of navigation in the Persian Gulf, and early consideration of the cleaning up of the Shatt al-Arab waterway of war debris.<sup>220</sup>

Following from this, Iraq insisted the Resolution 598 was "a peace plan which should be implemented by mutual agreement ...", and brought in other elements, such as the clearing up of the waterway as a necessary pre-condition for a cease-fire. Iraq viewed its position as being closest to implementing Resolution 598 as a "package deal without fragmentation".<sup>221</sup>

The Iranian Foreign Ministry argued that such an approach contradicted the mandatory nature of the Security Council resolution, and that Iraq was trying to "open negotiations on the resolution itself ... In order to incorporate extraneous elements and derail the resolution from its

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*Kayhan International* one day later.

<sup>219</sup> UNDoc., S/20373.

<sup>220</sup> The Iranian Foreign Ministry, in a statement reprinted in *Kayhan International*, July 20, 1989, announced that it had accepted the Secretary-General's plan.

<sup>221</sup> UNDoc., S/20373.



main course".<sup>222</sup> To establish the fact that Iraq was not ready to enter into substantive discussions on implementing Resolution 598, the Iranian Foreign Ministry said that the Secretary-General, in inviting both Iran and Iraq to direct talks had assured Iran that with the "exception of negotiations called for under paragraph 4 of the resolution, [direct talks] would be limited to comments on dates and procedures suggested by the Secretary-General for the implementation of the provisions of the resolution other than cease-fire".<sup>223</sup> Paying no attention to this incremental method prescribed by the Secretary-General, Iraq called for the "necessity of reaching a common understanding with regard to the cease-fire itself and used this pretext to introduce extraneous elements which by no extension of logic could be considered as a part of regulations for cease-fire".<sup>224</sup>

The "extraneous element" which figured most prominently in the negotiations between Iran and Iraq was the question of dredging and cleaning the waterway separating the two countries, commonly known as the Shatt al-Arab and referred to in Iran as the Arvand Rood river. Another issue which Iraq introduced as an element of the cease-fire during the first round of direct talks was unimpeded passage for Iraqi vessels in the Persian Gulf, and reportedly even through Iranian territorial water.<sup>225</sup>

In spite of Iran's opposition to including the question of cleaning the waterway within the scope of the agenda of direct talks, the Secretary-General considered the Iraqi concern as legitimate and placed it within the frame-work of paragraph 4, both in his July and August time-table and subsequently in the four-point plan of October 1, 1988. During the first face-to-face talks between Iran and Iraq, the latter demanded the clearance of the waterway to allow free movement of its ships and a guarantee against any Iranian interference with its craft. The talks became deadlocked because Iran stated that it reserved the right to stop and search Iraqi vessels as long as peaceful relations between the two countries were not established.<sup>226</sup>

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<sup>222</sup> *Kayhan International*, July 20, 1989.

<sup>223</sup> *Ibid.*

<sup>224</sup> *Ibid.* Since most of these talks were confidential, the above points of contention are based on the information released by the *Ministry of Foreign Affairs of the Islamic Republic of Iran*.

<sup>225</sup> See *Keesing's*, vol.XXXV, 1989, p.36569.

<sup>226</sup> *Ibid.*, The first round of face-to-face talks began in Geneva on August 25, 1988.

Recognising the fact that the Iraqi army occupied approximately 2000 square kilometres of Iranian territory, the UN attempted to forge a compromise, by which Iran would allow free passage to Iraq along the waterway and permit a feasibility study on the clearing operations, while in return Iraq would pull its troops back to internationally recognised boundaries. The offer was rejected. On October 9, 1988, the Foreign Minister of Iran announced that his country had come to an "agreement in principle" with Iraq by which Iran would guarantee not to search Iraqi vessels, while Iraq would withdraw its forces to the international border, followed by a mutual exchange of prisoners. Iraq, however, claimed that such an accord did not exist.<sup>227</sup>

The first round of face-to-face talks in Geneva during 1988 was followed by a second round in October in New York, and a third round in November again in Geneva.<sup>228</sup> At the beginning of February 1989, the Security Council unanimously adopted Resolution 631, calling for a renewal of the UNIMOG mandate and upon Iran and Iraq to waste no time in implementing Resolution 598. By early March 1989, ministerial level delegations from both Iran and Iraq arrived in New York on the invitation of the UN and held preparatory talks with Jan K. Eliasson, the Secretary-General's personal representative. Eliasson met the delegations separately and conducted detailed discussion so as to address as many issues as possible before the forthcoming joint ministerial meeting. On March 10, 1989, Eliasson said that he had discussed the agenda and procedure of the forthcoming meetings and also other questions of substance.

Towards the end of March, further preparatory talks were held for the joint ministerial meeting in New York. The Iraqi delegation was led by the permanent representative to the UN, the Secretary-General of the Iraqi Foreign Ministry and the Ambassador of Iraq to the United States. In the early weeks of April similar talks were held with the Iranian delegation, which was headed by Iran's deputy Foreign Minister.<sup>229</sup>

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<sup>227</sup> *Ibid.*

<sup>228</sup> Ironically, the Iraqis stated their preference that all meetings be held in Geneva because of security reasons, and reportedly claimed that anti-Arab sentiment in New York could alter the outcome of negotiations. Iran on the other hand expressed a preference for New York as a permanent site.

<sup>229</sup> See *UN Chronicle*, vol.XXVI, no.2, 1989, pp.23-25.

Between April 20 and 23, 1989, the Secretary-General met three times with Iranian Foreign Minister Velayati and his Iraqi counterpart Tareq Aziz together, after conducting separate meetings with each party. The next day, Perez de Cuellar announced that both countries were committed to upholding the cease-fire and implementing fully Resolution 598. At this fifth round of direct talks, the Secretary-General observed with much satisfaction that the "two Ministers had spoken with restraint, using non-controversial statements".<sup>230</sup> In response to President Saddam Hussein's earlier statement of March 5, 1989, announcing that Iraq was prepared for an immediate exchange of all war prisoners "without regard for the final results of the negotiations and the different stages on the way to global and lasting peace",<sup>231</sup> Iran released 66 Iraqi prisoners of war to the International Committee of the Red Cross for repatriation. Following this, Iran also released 15 non-Iraqi prisoners.

Given the sluggish rate of progress in implementing Resolution 598, the Secretary-General, after his sixth and seventh rounds of talks between July and September 1989, announced that Iran and Iraq had agreed to a round of "shuttle negotiations" to be carried out by Eliasson commencing towards the end of October. Praising the role of the UNIMOG, Perez de Cuellar said that during the past year the former had "helped save countless lives and reduced tension in the region". He added that there was "no reason for complacency, for the silencing of guns does not mean the restoration of security and stability in the region".<sup>232</sup>

On the first anniversary of the cease-fire between Iran and Iraq, the "no war no peace" situation and Iraq's refusal to withdraw to internationally recognised boundaries was blamed by Iran on what it considered "the irresponsible attitude of the Security Council". An English-language daily in Tehran recalled that throughout the war the Western bloc labelled Iran as a "war-monger and offending party" which rejected international appeals to stop the fighting. The article went on to describe the West's support for Iraq as a way of "forcing Iran to embrace the world order and seriously tone down its revolutionary and Islamic calls". Recognising the Iranian leadership's

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<sup>230</sup> *UN Chronicle*, vol. XXVI, no.3, September 1989, p.21.

<sup>231</sup> *UN Chronicle*, vol. XXVI, *op.cit.*, p.25.

<sup>232</sup> *Ibid.*, p.23.

determination that Tehran's willingness to comply with Resolution 598 would not "change, hinder or curtail the staunchly anti-Western path of the Islamic Revolution", the Security Council "failed to criticise Iraq for its procrastination". In conclusion the article praised the good-will shown by the UN Secretary-General in his "search for real peace", and admonished those members of the Security Council who, being confused, were incapable of "comprehending the implications of their behind-the-scenes understanding with Iraq". It added that at stake was the future of the entire region and it was possible that "*new political developments in this part of the world* [would] soon give Resolution 598 its deserved meaning".<sup>233</sup>

In Tehran, Saddam Hussein's obduracy was considered as the main stumbling block to fulfilling Resolution 598 in its entirety. Iraq's occupation of almost 2,600 square kilometres of Iranian land in particular was regarded as the foremost cause for the continuing insecurity in the region. In this respect, deputy Foreign Minister Larijani was of the view that the problems of peace and security in the region were beyond Resolution 598, while added to this was the whole problem of implementation as well. Speaking of the UN and its role in this particular scenario, he said that his country could not depend on the UN, but just had to bank on its own capability and rights.<sup>234</sup> Addressing the future plans of the Baghdad regime, Larijani said it was unlikely Iraq would resume hostilities against Iran, arguing that it was the war "that turned the rich Iraqi state into a ruined and indebted country ...". He added that there had never been "such a good opportunity to attain peace as there is now".<sup>235</sup>

To facilitate this peace Mr. Eliasson visited the two countries between October 31 and November 17, 1989, shuttling between the two capitals in the UN plane. After meeting the leaders and Foreign Ministers of the two countries, it was reported that the Special Representative had sought to end the state of "no war no peace" and implement Resolution 598. With regard to

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<sup>233</sup> *Kayhan International*, July 20, 1989. The journalist who wrote this particular piece told me in Tehran, that it was not at all uncommon for people to speculate on Iraq's next military adventure following its cease-fire with Iran. This speculation, I was given to understand, was based on the common belief that the survival of Saddam Hussein's regime depended largely on his capability to assume leadership in the Arab world by asserting himself militarily. In this respect the concluding part of the above quoted article does in fact foresee to a certain extent the "Invasion of Kuwait" by Iraq in 1990, a move which among certain Iranian journalists was referred to as "phase-two of the Gulf War". Emphasis added.

<sup>234</sup> *Discussions with Larijani, outside the interview.*

<sup>235</sup> *Kayhan International*, September 9, 1989.

the UNIMOG and its activities, Mr. Eliasson said the 15-month-old cease-fire was "holding well" and that there existed "understanding and co-operation" between the two parties and UNIMOG personnel on both sides. Before the Secretary-General met both Foreign Ministers separately in New York in December 1989,<sup>236</sup> Iran tabled a proposition in November to carry out simultaneous troop withdrawals and exchanges of POWs in a move to end the existing deadlock. The offer was rejected in Baghdad.<sup>237</sup>

It is common knowledge that, in the aftermath of Iraq's invasion of Kuwait on August 2, 1990, all outstanding claims between the two countries were settled, including Iraq's withdrawal from Iranian territory. This was largely due to the fact that, under the new circumstances which it had created, Iraq could not afford to be hemmed in along its longest frontier by a power which was unfriendly to it. It is much beyond the scope of this chapter to discuss this latter stage of "phase-two" of the Gulf War; it would be preferable therefore to conclude by dwelling on some strategic and security issues which faced Iranian policy-makers *vis-à-vis* the Persian Gulf region in the last decade.

### **Conclusion: Perspectives on Security in the Persian Gulf Region**

The Islamic revolution in Iran called for a reassessment of Western security policy in the Persian Gulf region and, as an initiative of the United States, Central Command or CENTCOM was officially formed on January 1, 1983. CENTCOM was based on the security arrangement created under the Presidency of Jimmy Carter known as the Rapid Deployment Joint Task Force. CENTCOM is composed of 400,000 military personnel from all four US services under a unified command, and is designed for quick strike action in emergency situations in South-West Asia.<sup>238</sup>

At the onset of the Iran-Iraq war, though the US and the Soviet Union declared neutrality, both parties not only added to the militarisation of the Persian Gulf, but actually profited from selling weaponry to both parties and also to their clients in the region.<sup>239</sup> Although Moscow tilted

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<sup>236</sup> *UN Chronicle*, vol.XXVII, no.1, March 1990, p.69.

<sup>237</sup> *Kayhan International*, December 23, 1989.

<sup>238</sup> See Charles A. Kupcham, *The Persian Gulf and the West: The Dilemmas of Security*, Maryland, Allen and Unwin, 1987, pp.99-124.

<sup>239</sup> See Stephanie G. Newman, *Military Assistance in Recent War: The Dominance of the Superpowers*, New York,

towards Baghdad in varying degrees throughout the eight-year-old war, the United States – given its affiliations with the past regime and its propensity to affect the balance of power decisively in the region – remained Iran's number one enemy. After 1982, when the first signs of Washington's tilt towards Baghdad became apparent, the leadership in Iran was certain that the "big powers" were opposed to seeing Islam "enter directly in the political and social affairs of nations" in the regions.<sup>240</sup> Ayatollah Khomeini, in a message to the Iranian people, said that severance of relations with the United States was a "good omen" as it proved once and for all that the "US government was losing hope *vis-à-vis* Iran".<sup>241</sup> The above developments coupled with the Soviet invasion and occupation of Afghanistan starting in December 1979, ensured that "the major pillar of the surrogate strategy" stood weakened. This gave sustenance to the idea mooted by some policy-makers in Washington that a "direct US military presence in the area is a *sine qua non* for safeguarding Western, especially American, interests in the Gulf".<sup>242</sup>

Although the Shah had been interested in assuming the role of the gendarme in the Persian Gulf, the prospect had proved shortlived. The main reason for this was that he had tended to view matters of external security separately from the state of domestic cohesion. Contrary to the presumptions of policy-makers on Capitol Hill, all the billions of dollars worth of arms sales could not save the Shah once his subjects embarked on the path to dismantle the monarchy. Hence one must conclude that external security and domestic strength are complementary to each other. In this regard Ayatollah Khomeini's decision to accept Resolution 598, in his own words, was "deemed appropriate ... being in the interest of the revolution and state".<sup>243</sup>

However, in the post cease-fire period, Khomeini's decision, which was largely taken in the interest of the survival of the Islamic government, served to heighten the interest of the super-

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Praeger, 1986, pp.43-46.

<sup>240</sup> "Highlights of Imam's Speeches", reprinted in *Kayhan International*, June 10, 1989. The above is taken from a speech made by Ayatollah Khomeini on July 25, 1982.

<sup>241</sup> *Ibid.* Extract taken from a speech made by Ayatollah Khomeini on April 9, 1983, the "third anniversary of the US severing relations with the Islamic Republic".

<sup>242</sup> Nader Entessar, "Superpowers and Persian Gulf Security: The Iranian Perspective", *Third World Quarterly*, vol.10, no.4, October 1988, p.1431.

<sup>243</sup> "Highlights of Imam's Speeches", *op.cit.*, extract taken from Khomeini's speech clarifying Iran's position on the acceptance of UN Security Council Resolution 598, made on July 20, 1988.

powers in the region. Knowing that Iraq had not been able to replace the Islamic regime in Iran, they believed that security and stability in the region could only be enforced by strengthening the hands of their local clients and maintaining a military presence in the area.

Given Iran's unfavoured status *vis-à-vis* the superpowers, in particular the United States, Iranian policy-makers came to rely on the simple logic that security in the region would be available to everybody or to none.

Having distanced itself from the policeman's role ascribed to it during the latter years of the monarchy, Iran maintains that the region does not need a gendarme. In the immediate aftermath of its acceptance of the UN-sponsored cease-fire, one of the principal security concerns for Iran was whether, with outside aid, a new gendarme would emerge to enforce stability in the region. Up until the period before Iraq's invasion of Kuwait in August 1990, it was believed in Tehran that such a role might be given to Iraq.

In December 1989, after Iraq claimed to have launched a satellite-carrying rocket into space, thus attempting to serve notice that it had made advances in the field of missile technology, ex-deputy Foreign Minister of Iran Larijani – who had recently been appointed as an advisor to the Minister for Foreign Affairs – commented, "If Islamic Iran were to give in to missile claims, it would have given in to the masters of Iraq who have a lot more destructive weapons and missiles". He added that "Iraq must bear in mind that it will never become the gendarme of the region" as it was beyond the capacity of Iraq to be "consistent with such a role".<sup>244</sup>

Iran does not espouse the concept of a single "custodian of security being played by a regional actor either alone or along with its ally/allies".<sup>245</sup> Instead it believes in a regional collective security arrangement devoid of outside participation or interference. Policy-makers in Tehran, particularly in the post-cessate-fire period, blame the lack of such co-operation on the strategy of the "acting-powers" who in their opinion have created an atmosphere of suspicion among

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<sup>244</sup> *Kayhan International*, December 16, 1989.

<sup>245</sup> This was mentioned as one of general security scenarios by Dr. Seyyed Farooq Hasnat of Punjab University Pakistan, in a paper entitled "Collective Security in the Persian Gulf Region: an analysis of various options", presented at the *International Conference on the Persian Gulf*, Tehran, November 20-22, 1989.

regional states.<sup>246</sup> Before the invasion of Kuwait in August 1990, the aim was to create a fear of Iran in other countries of the region; this prevented Iran from establishing a full working relationship with its neighbours and assuming its rightful place in the overall developments in the region.

It must be mentioned that this "fear" felt by neighbouring countries of Iran can mainly be attributed to Iran's determination to conduct its relations, diplomatic and otherwise, without compromising on the principles of the Islamic revolution. For example, in this context sources close to President Rafsanjani did not hesitate to say "The moment we realise that the Saudi regime is on the line of true Islam ... the very next moment the Saudi flag can be seen hoisted over the horizon of Iran".<sup>247</sup> This ideological connection of the efficacy of politics and diplomacy carried out along Islamic lines continues to be the main pillar of post-revolutionary foreign policy. Even prior to the cease-fire, Ayatollah Khomeini in a letter to Mikhail Gorbachev, while praising him for ushering in a "new era ... after 70 years of suppression", asked him to seriously consider Islam as a substitute for the Marxist system. This statement was, of course, made in reference to the 60 million Muslims who reside in the Soviet Union.<sup>248</sup>

At present, the lowering of tensions between the Soviet Union and the United States has considerably changed the factors now influencing security in the Persian Gulf region. Hence, it would not be wrong to say that the cessation of hostilities between Iran and Iraq has not signalled a return to the status quo. However, following the invasion of Kuwait, bilateral relations between Iran and Iraq seem to have assumed dimensions that existed before the Iran-Iraq war. Iran's decision to remain neutral in the recent Gulf War was based on its commitment to the policy of non-intervention and respect for territorial integrity of all states. This stance had not only ensured it an active role in the future political dynamics of the region, but also considerably improved its position with the extra-regional powers.<sup>249</sup> Though the general level of tension in the Gulf has

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<sup>246</sup> *Interview with Dr. Larijani.* The deputy Foreign Minister said that he "hated" the word superpower and much preferred to use the word "acting-powers".

<sup>247</sup> *Kayhan International*, September 2, 1989.

<sup>248</sup> *Kayhan International*, April 22, 1986.

<sup>249</sup> While the UN brokered cease-fire brought peace to the region and helped Iran to regain some of its lost prestige in the international community, it also instilled new confidence in the Gulf States in their dealings with Tehran. However as recently as September 21, 1992 this feeling has grown into one of concern, following Iran's alleged annexation of the small but strategic island of Abu Musa (see Chapter III of this thesis for Iran's historical claim) which it controlled jointly with the United Arab Emirates.



been capped, largely because of the overwhelming show and use of military power by the Allied forces in the recent war, it still remains to be seen how the Islamic government will react to certain continuing features of Western policy towards the numerous Sheikdoms which make up the regions. The most crucial of these policies seem to be the sales of sophisticated weapon systems and the future provisions for security conducted by extra-regional forces, namely the United States.

At the time of conducting research in Tehran, it was widely believed among Iranian diplomats and academics that the United States based its security policy in the Gulf on the premise that a military presence backed by strategic co-operation would always be acceptable to the regional leaders. The former however believe that, once the people of the region replace the Sheikhs and their families with a more representative form of government, it would become extremely difficult for the US to operate. However, the onset of the Gulf War brought about by the invasion of Kuwait increased the dependence of the Gulf states on the US and its allies to provide a security umbrella, and created new opportunities for Western powers to involve themselves directly in the regional dynamics. However, certain developments, such as Arab-nationalism and religio-political movements (for want of a more accurate term than Islamic fundamentalism) being intrinsic to the region, are latent factors which seek to threaten Western interests in the long run.

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Talks in Tehran have not yet produced any results, undermining the rapproachment process between Iran and the six-nation Gulf Co-operation Council. In this respect, the assistant Secretary-General of the Council has said that "such irresponsible behaviour is likely to reflect itself very negatively on council – Iran ties and creates an atmosphere of lack of confidence and tension".

Western military experts are concerned that if Iran is permitted to "swallow Abu Musa, it may not be long before its appetite is switched to other chunks of territory in the region." *The Times*, (London), September 21, 1992.

## Chapter VIII

### Iran at the United Nations Conference on Disarmament

#### Introduction

The role of Iran in the area of Disarmament, whether in the field of conventional or nuclear weapons, has to be seen in the light of two parallel, but conflicting trends in world politics. The first of these trends is characterised by the relationship which exists between achieving political goals of a state or regime and the use of force. The second is the continuous effort made by the United Nations to dispense with force in favour of dialogue and cooperation as the main goal of modern politics. Running between these two conflicting trends is a whole gamut of issues which arise as and when states interact in the global arena. Each of these issues, whether between two states or between more than two, is governed sometimes by a certain utilitarianism – i.e. the cost-benefit ratio of achieving political goals through the use of force.

In this respect it may be asked to what extent the disarmament machinery installed by the United Nations is actually useful in promoting the principle of the non-use of force in international relations? In the case of Iran, the disarmament machinery has not only proved useful in helping the leadership to take a decision to end the war with Iraq but has also provided a conduit by which Iran – at the height of its international isolation – could participate in matters of global significance by virtue of its permanent membership in the United Nations Conference on Disarmament.

Successive sections in this chapter will demonstrate how Iran, thanks to its membership in the group of 21 (non-aligned nations) and its individual contributions to the ongoing discussions on the agenda adopted by the Conference on Disarmament (CD), was able to conduct its foreign policy and diplomacy normally. The chapter will first examine various aspects of global disarmament and its impact on Iran's post-Shah foreign policy perspective. Section One will describe the

evolution and activities of the Conference on Disarmament, with reference to the UN's agenda for multilateral disarmament and its potential and limitations. Section Two will address certain aspects of conflict in the Third World and their impact on international security, with particular emphasis on Iran and the question of disarmament. And Section Three will discuss the usage and proliferation of chemical weapons in the Iran-Iraq war and their impact on Iran's foreign policy during that period; Iran's stance on this issue in the CD will also be covered.

## **I. The Evolution and Activities of the Conference on Disarmament**

Probably the most profound ideal which guided the founding members of the United Nations was "to save succeeding generations from the scourge of war". Since then the maintenance of international peace and security has remained one of the major objectives of the World Organisation. As this chapter will focus on the activities and diplomacy carried on within one specific body devoted to the disarmament issue, namely the Conference on Disarmament (CD), it would be in place to examine those processes initiated by the world organisation which resulted in the formation of that body.

### **I.1 The United Nation's Agenda on Multilateral Disarmament**

In 1978 and again in 1982, the General Assembly of the United Nations held special sessions on disarmament. Those sessions were aimed at bringing about "a more peaceful and stable world order, through a balanced and verifiable reduction of national armaments, by agreement and mutual agreement".<sup>1</sup> Although the outcome of both the special sessions was viewed differently by various parties, its overall utility in the area of arms reductions both in the nuclear and conventional fields cannot be denied. In this context, the remarks of Javier Perez de Cuellar at the opening meeting of the second special session on disarmament on June 7 1982, put the problem into its global perspective:

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<sup>1</sup> Alessandro Corradini, "National Arms Policies and the Message of the 1978 and 1982 Special Sessions on Disarmament", in Ron Huzzard and Christopher Meredith (eds.), *World Disarmament: An Idea Whose Time Has Come*, Nottingham, England, Spokesman, 1985, p.83.

"The search for security through strength is as old and as deeply rooted in life of nations as the desire to live in peace. But what puts the present arms race in an altogether different and still more dangerous category are two of its basic characteristics: first, it derives its momentum, not so much from well-considered security goals as from the inexorable advance of military technology and, secondly, it is a pursuit whose consequences do not accord with its assumed aims. This holds true, in one degree or another, in the fields of both nuclear and conventional weapons.

"Unless it is restrained by political decisions backed by a moral will, the advance of military technology is a process that, by its very nature, can never exhaust itself. At present, it is always creating new possibilities, new breakthroughs leading to new applications, strategies and doctrines, paving the way to the point of no return".<sup>2</sup>

The first special session on disarmament, held in 1978, addressed itself to the pressing question before the international community – i.e. means to stop the arms race and work towards achieving arms reduction and complete disarmament in the interest of both national and international security. Towards this end, the Conference on Disarmament was formed following the deliberations which took place at the First Special Session on Disarmament (SSOD-I).

The Final Document emanating from SSOD-I designated the Conference as the "single multilateral disarmament negotiating body"<sup>3</sup> of the international community. Its membership of 40 includes all five nuclear weapon states and thirty-five other states.<sup>4</sup> The membership of non-nuclear states is reviewed at regular intervals. It carries forward the negotiating efforts of its predecessors, namely the Conference of the Eighteen-Nations Committee on Disarmament (1962-1968) and the Conference of the Ten-Nations Committee on Disarmament (1959-1962). From 1979 to 1983 the Conference on Disarmament was known as the Committee on Disarmament. (In this chapter "Conference" will be used to denote the multilateral body).

During the first special session of the General Assembly devoted to disarmament, the question of revitalising the machinery for disarmament negotiations was considered and section IV of its Final Document dealt thoroughly with that question. Paragraph 120 welcomed the agreement

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<sup>2</sup> Full text of speech reprinted at the beginning of the issue of *Disarmament: a periodic review of the United Nations*, vol.5, no.2, New York, United Nations, November 1982.

<sup>3</sup> See Annex I pertaining to Chapter VIII for the final document of SSOD-I.

<sup>4</sup> The members of the Conference on Disarmament are: Algeria, Argentina, Australia, Belgium, Brazil, Bulgaria, Burma, Canada, Cuba, Czechoslovakia, Egypt, Ethiopia, France, German Democratic Republic, Federal Republic of Germany, Hungary, India, Indonesia, the Islamic Republic of Iran, Italy, Japan, Kenya, Mexico, Mongolia, Morocco, The Netherlands, Nigeria, Pakistan, Peru, Poland, Romania, Sri Lanka, Sweden, USSR, United Kingdom, United States, Venezuela, Yugoslavia and Zaire.

reached during the session that the Conference on Disarmament would be convened at Geneva not later than January 1979 and that it would:

- (a) Conduct its work by consensus;
- (b) Adopt its own rules of procedure;
- (c) Request the Secretary-General of the United Nations, following consultations with the Conference on Disarmament, to appoint the Secretary of the Conference, who shall also act as his personal representative, to assist the Conference and its Chairman in organising the business and time tables of the Conference;
- (d) Rotate the Chairmanship of the Conference among all its members on a monthly basis;
- (e) Adopt its own agenda, taking into account the recommendations made to it by the General Assembly and the proposals presented by the members of the Conference;
- (f) Submit a report to the General Assembly annually, or more frequently as appropriate, and provide its formal and other relevant documents to member states of the United Nations on a regular basis;
- (g) Make arrangements for interested states, not members of the Conference, to submit to the Conference written proposals on working documents on measures of disarmaments that are the subject of negotiation in the Conference and to participate in the discussion of the subject-matter of such proposals or working documents;
- (h) Invite states not members of the Conference, upon their request, to express views in the Committee when the particular concerns of those states are under discussions;
- (i) Open its plenary meetings to the public unless otherwise decided.<sup>5</sup>

The Conference on Disarmament has a unique relationship to the UN. It defines its own rules of procedure and sets its own agenda, taking into account the recommendations of the General Assembly. The budget for the Conference is included in that of the United Nations, and it

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<sup>5</sup> The above has been taken from "Organisation of the work in the Committee on Disarmament", in *Disarmament: A periodic review by the United Nations*, vol.2, no.2, October 1979, p.1.

holds its meeting at the Palais des Nations in Geneva. The work of the Conference is conducted in plenary meetings or by any arrangements agreed upon by the Conference. In 1979, the Conference on Disarmament agreed on a permanent agenda of ten items:

- (1) nuclear weapons in all aspects;
- (2) chemical weapons;
- (3) other weapons of mass destruction;
- (4) conventional weapons;
- (5) reduction of military budgets;
- (6) reduction of military forces;
- (7) disarmament and development;
- (8) disarmament and international security;
- (9) collateral measures including confidence-building measures and effective verification methods in relation to appropriate disarmament measures acceptable to all parties concerned;
- (10) comprehensive programmes of disarmament leading to general and complete disarmament under effective international control.

The second special session of the General Assembly devoted to disarmament was held in New York from 7 June to 10 July 1982. During this period the Iran-Iraq war was in its second year, and permanent members of the Security Council – a body charged with the responsibility of maintaining peace and security – failed to condemn Iraq's aggression against Iran. As Chapter VII of this thesis has suggested this inaction on the part of the permanent members of the Security Council was a deliberate foreign policy choice based on larger geo-strategic and political factors. The failure of the Security Council becomes even more ironical considering that President Reagan in his address to the United Nations General Assembly noted that "lawless acts" were increasingly going unpunished, that the United Nations Charter required member-states to refrain from the threat or use of force against the territory or independence of any State, and that

aggression must be condemned.<sup>6</sup>

Apart from reaffirming the validity of the 1978 Final Document which emanated from the First Special Session, and agreeing to launch a World Disarmament Campaign and continue and expand the United Nations programme of fellowships on disarmament, the Second Special Session was not able to cover ground on any substantial disarmament issues. The session was unable, for example, to complete "in spite of many concessions on the part of the non-aligned countries, the drafting of a comprehensive programme of disarmament, whose elaboration had been underway for three years, pursuant to a decision contained in the 1978 Final Document".<sup>7</sup> The accusatory stance taken by the United States with regards to the Soviet Union's allegedly unabated conventional and nuclear weapon programmes only urged the latter to make commitments which on the face of it sounded grand, but were almost impossible to believe given the animosity between the two superpowers. In his message to the General Assembly, President Brezhnev stated that his country would never be the first to use nuclear weapons, mooted

"the idea of a mutual freeze of nuclear arsenals as a first step towards their reduction and ... complete elimination..."

The Soviet Union also announced its preparedness to agree on a complete ban on the development, production and stockpiling of chemical weapons.<sup>8</sup>

President Reagan, speaking two days after Foreign Minister Gromyko read out President Brezhnev's speech, proposed four major points as an agenda for peace (a) elimination of land-based intermediate-range missiles; (b) a one-third reduction in strategic ballistic missile warheads; (c) new safeguards to reduce the risk of accidental war; and (d) substantial reduction in NATO and Warsaw Pact ground and air forces.<sup>9</sup> Although both superpowers put forward viable proposals, the session was unable to come to grips with them, and many of the issues like nuclear war and nuclear arms freeze were set aside for consideration at future regular sessions of the Gen-

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<sup>6</sup> See *UNDoc.*, A/S-12/PV.16, pp.2-13. President Reagan addressed the United Nations General Assembly on June 17, 1982.

<sup>7</sup> *World Disarmament: An Idea Whose Time Has Come*, *op.cit.*, p.90.

<sup>8</sup> *UNDoc.*, A/S-12/PV.12, pp.21-30.

<sup>9</sup> *UNDoc.*, A/S-12/PV.16, pp.2-13.

eral Assembly.

More than the General Assembly, negotiation activities within the Conference on Disarmament can be said to have made considerable progress. For example, the two annual sessions of the Conference (held in Geneva from February 7 to April 27 and June 13 to August 31, 1989) devoted a major part of the time in elaborating a multilateral convention on the complete and effective prohibition of the development, production and stockpiling of chemical weapons, and their destruction.<sup>10</sup> In this context it may be mentioned that the end of the Iran-Iraq war (July 1988) provided the international community with an environment where the issue of chemical weapons could be addressed without encountering too many obstacles created hitherto by political necessity.

The extended war on the other hand brought to the forefront certain security scenarios which were previously only hypothetical. For example, the threat of the regional proliferation of weapons of mass destruction (nuclear, chemical, biological), and of medium and long-range weapon systems, became paramount in the aftermath of Iraq's invasion of Kuwait. Iraq's announced intention to use weapons of mass destruction (SCUDs mounted with chemical warheads) was viewed by the coalition forces as a battle situation they would have to deal with. This widened the military options available to the Allied forces, including the use of tactical nuclear weapons, whose deployment would have had new and dangerous implications for security in the region. In the above context, the continually mooted proposal of declaring the Middle East as a nuclear weapon free zone becomes important.

Concerning the nuclear test-ban, during the 1989 session the Conference held a number of informal consultancies on the establishment of an ad hoc committee. Although there was a strong desire among member states to start substantive work on this subject and a certain convergence of views on the question of a mandate for the ad hoc committee, no agreement was reached during the session on this point. Under the same item of the agenda, the Ad Hoc Group of Scientific

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<sup>10</sup> It is envisaged that 1992 will be the year in which the Chemical Weapons Convention will be concluded. For an appraisal of negotiations in this area see Thomas Bernaver, *The Projected Chemical Weapons Convention: A Guide to the Negotiations in the Conference on Disarmament*, United Nations Publication, Sales No. GV.E 90.0.3, 1990.



Experts on Measures to Detect and Identify Seismic events submitted to the Conference its fifth report describing initial concepts for a modern international seismic data exchange system. The group also continued its discussion on plans to conduct a large-scale experiment to test the proposed concepts.<sup>11</sup>

In the area of cessation of the nuclear arms race and nuclear disarmament, the Group of 21 (non-aligned states) has been particularly active. In 1989 the Group submitted a proposal for a draft mandate for an ad hoc committee to deal with this problem. The Group (of which Iran is a member) promoted its proposal (to have the problem dealt within the multilateral negotiating framework of the Conference) by drawing attention to the fact that, since the treaty on the Non-Proliferation of Nuclear Weapons came into force in 1970, nuclear weapons had multiplied several times over, increasing the threat of annihilation. It added that, if global peace and security are to be guaranteed, the security of all nations must be met.<sup>12</sup> As mentioned earlier North-South issues have become pre-eminent following the end of the Cold War, in addition conflicts in Eastern Europe and the old Soviet Union are adding new dimensions to disarmament. For example, the multilateral deliberations on the question of disarmament and development are being reconsidered to meet the demands of the 1990s.<sup>13</sup>

On the question of preventing an arms race in outer space, the ad hoc Committee established in 1985 noted in its report to the Conference that

"there continued to be general recognition of the importance and urgency of preventing an arms race in outer space and readiness to contribute to the accomplishment of

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<sup>11</sup> See *United Nations System: Institutional Guide*, New York, United Nations, 1989, p.137.

<sup>12</sup> Since 1979, the Group of 21 has submitted several draft mandates for an Ad Hoc Committee to start negotiations on the cessation of the nuclear arms race and nuclear disarmament. But due to the opposition by Western countries, these proposals have never materialised. In 1987, the Group of 21 proposed that the ad hoc body elaborate stages of nuclear disarmament envisaged in paragraph 50 of the Final Document of SSOD-I; clarifying the issues involved in the prohibition of the use or threat of use of nuclear weapons pending nuclear disarmament, and the prevention of nuclear war – see *CD/116*. See also *CD/164*, *CD/180*, *CD/309* and *CD/526*. (*CDI* denotes documents pertaining to the United Nations Conference on Disarmament).

According to the latest proposal (1989) put forward by the Group of 21 the Ad Hoc Committee would be set up to: (a) elaborate and clarify the stages of nuclear disarmament envisaged in paragraph 50 of the Final Document of SSOD-I, and identify the responsibilities of nuclear weapon States and the role of non-nuclear weapon States; (b) clarify the issues involved in prohibiting the use or threat of use of nuclear weapons, pending nuclear disarmament, and the prevention of nuclear war; (c) clarify the issues involved in eliminating reliance or doctrines of nuclear deterrence; (d) identify measures to ensure the effective discharge by the Conference on Disarmament of its role in this respect. See *Annex II pertaining to Chapter VIII*.

<sup>13</sup> See Jurgen Brauer. "Reviving or Revamping the Disarmament for Development Thesis?", *Bulletin of Peace Proposals*, vol.21, no.3, 1990, pp.307-319.

its task ... It was recognised once more that as the legal and common objective. The work carried out by the Committee since its establishment contributed to the regime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space."<sup>14</sup>

The Committee also agreed that substantive work on the problem would continue at the succeeding sessions of the Conference.

Concerning the agenda item on new types of weapons of mass destruction, the Group of Socialist States and the Group of 21 maintained their support for the proposal to convene a group of qualified experts with a view to identifying any new types of weapons of mass destruction and making, as appropriate, recommendations on undertaking specific negotiations on the identified types of such weapons. Western delegations maintained their view that as no new types of weapons of mass destruction had been identified since 1948 nor was their existence imminent, the practice followed thus far of making plenary statements and holding informal meetings of the Conference from time to time would suffice to deal with this question.<sup>15</sup>

Over the last two decades, negotiations which have taken place in the various multilateral disarmament bodies in Geneva have resulted in the following treaties:

- The Test-Ban Treaty, signed in Moscow (1968).
- The Treaty on the Non-Proliferation of Nuclear Weapons (1968).
- The Treaty on the Prohibition of the Emplacement of Nuclear and other Weapons of Mass Destruction on the Sea-bed and Ocean Floor and in the Subsoil Thereof (1971).
- The Convention on the Prohibition of the Development and Stockpiling of Bacteriological (biological) and Toxic Weapons and on their destruction (1972).
- The Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques (1977).
- The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979).
- The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (1981).
- The Treaty on the Limitation of Anti-

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<sup>14</sup> *United Nations System: Institutional Guide, op.cit.*, p.137.

<sup>15</sup> *Ibid.*, p.138.

Ballistic Missile Systems (ABM Treaty, 1972). • The Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms (1972). • The Agreement on the Prevention of Nuclear War (1973). • The Treaty on the Limitation of Underground Nuclear Weapon Tests (threshold test-ban treaty, 1974). • The Treaty on Underground Nuclear Explosions for Peaceful Purposes (1976). • The Treaty on the Limitation of Strategic Offensive Arms (1979).

The last three treaties have not entered into force, but each party has declared its intention to adhere to the treaties substantive provisions as long as the other does likewise.

## **I.2 The Agenda, Possibilities and Limitations of Multilateral Disarmament<sup>16</sup>**

The period leading up to Iran's acceptance of Security Council Resolution 598 and its aftermath have been characterised by a new global awareness, one in which genuine and lasting peace is being regarded as a viable goal if the United Nations system is used to settle disputes justly and fairly. The UN thus has before it an opportunity of fulfilling the basic ideals set out by its founding members in the form of a Charter nearly half a century ago.

The opportunities and obstacles facing the UN in tackling its international agenda in the fields of security and disarmament are numerous. For example, the Security Council's will to avail itself of opportunities whereby naked aggression could be curbed in its early stages is still largely determined by the diktat of its members' national interest. For example, while the Council failed to condemn Iraq's aggression against Iran and turned a blind eye to the gross violation of human rights by the former for close to a decade (1980-1989), it was quick to change tack following Iraq's invasion of Kuwait (a principal supplier of oil to the West) in 1990. Still, the United Nations, and particularly the Conference on Disarmament, continue to play a constructive role in preserving and protecting the gains made in the area of security and disarmament.

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<sup>16</sup> The format of this section is based on a study done by the United Nations Institute for Disarmament Research (UNIDIR) entitled *The United Nations Disarmament and Security: Evolution and Prospects*, (ed.), Jayantha Dhanapala, New York, United Nations, 1991.

The agenda for multilateral disarmament has gone through considerable change, especially towards the end of the 1980s. Since this thesis covers events up to 1989, these changes will only be mentioned in brief.

Not unlike the period following the departure of Iran from the United States' security alliance (CENTO) and the invasion of Afghanistan by the Soviet Union at the start of the 1980s, there is much confusion now, following the end of the Cold War, as to how the new and changing military and economic components of security will interact with the foreign policy objectives of individual countries. Whereas the situation in the West with regard to disarmament has progressively improved following the signing of the Treaty on Conventional Armed Forces in Europe (CFE) in November 1990,<sup>17</sup> the situation in the Persian Gulf has taken on new dimensions. The region remains as it was a decade ago – hostile to the economic and security interests of the West and its allies, notably Saudi Arabia and the Gulf sheikhdoms. By punishing Iraq's aggression on Kuwait, the coalition force led by the United States has opened a new chapter – setting before the United Nations the challenge of devising a new security system, which will take into consideration the sovereign rights of the states in the region. Having said that, it must be mentioned that certain precedents, particularly the way the United Nations Security Council was used during the extended Gulf crisis, will not make the task any easier.

Following the inconclusive end of the Iran-Iraq war and the more recent military action taken against Iraq, security in the Persian Gulf region remains high on the United Nations' agenda. The discovery of Iraq's nuclear weapons industry and its chemical weapons capability (demonstrated during the Iran-Iraq war) brings to the forefront the need to check the proliferation of weapons of mass destruction into the region. In addition, with the already existing missile capabilities of certain countries (Iraq, Syria and Israel) and the presence of US warships with even

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<sup>17</sup> The first round of the CFE talks began in Vienna in March 1989. Dramatically improved East-West relations, the determination of the two superpowers to reduce their huge military budgets, (and from mid-1989 onwards) the collapse of the communist regimes in Eastern Europe created the unprecedented auspicious conditions for the conclusion of a European arms-reduction treaty. In February 1990 the first major breakthrough occurred, when the Soviet Union and the United States announced their intention to reduce the number of their troops stationed in Central Europe. For further details see "Arms Control and Disarmament" in *Political and Economic Encyclopedia of Western Europe*, (ed), Frances Nicholson for Cambridge International Reference on Current Affairs (CIRCA) Limited, Harlow, Essex, Longman Group UK Limited, 1990, p.14.

more sophisticated strategic weapons aboard, the threat assessment and security calculations of countries in the region have only served to fuel the arms race.<sup>18</sup> The negative side of such a situation is the growing possibility of pre-emptive strikes and the high propensity for armed conflict. On the positive side, the situation will oblige the United Nations to play a greater role in managing regional security. It is to be hoped that this will engender a greater transparency in the military programmes and strategic planning of the main actors in the region, thus reducing the risk of conflict.

As succeeding sections will demonstrate, the relationship between security and disarmament is crucial, and hence arms limitations and disarmament cannot proceed without taking this aspect into consideration. The individual security concerns of states often obstruct the formation of a wider strategy, encompassing the security of every member state and thus aiming to improve security internationally. This has led the disarmament machinery in the United Nations to evolve a process which enables all members of the international community to participate in a dialogue on security. In the case of Iran, which opted out of all collective security and military alliance arrangements in its post-Shah phase, membership of the Conference on Disarmament has been particularly valuable. As section two will demonstrate, the Conference became the principal forum for Iran to voice its security concerns. Its membership in the group of 21 non-aligned nations within the CD further demonstrated that it shared the hopes and insecurities of many of the developing countries.

In examining the process of United Nations disarmament and its possibilities, it is worthwhile noting that despite the exuberance shown – it is beyond the mandate of the UN to function as a supra-national organ, issuing and enforcing global legislation for peace and disarmament. Hence, multilateralism as promoted by the UN does not control disarmament but aims to advance stage by stage to a juncture where consensus becomes critical to the ongoing process. In

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<sup>18</sup> For a detailed account of the procurement of weapons systems by the Persian Gulf and Middle-East States in the post-Gulf war period, see article in the *Financial Times*, May 11, 1992, entitled "Weapons deals hit prospects for Mideast Stability" by Tony Walker in Cairo, Mark Nicholson in London and Hugh Carnegie in Jerusalem. The authors open the article with the following observation: "Hopes for a more stable Middle East after Iraq's defeat in the Gulf War are buckling under the sheer weight of some \$30bn (£16.7bn) in proposed new arms transfers – with the US among the main culprits in speeding deliveries to the region".

this respect some authors describe the multilateralism disarmament as consisting of "several distinct stages that build upon one another: dialogue, conceptualising, recommending and immobilising and lastly treaty-making".<sup>19</sup>

The dialogue stage takes place in the General Assembly and its organs (particularly the First Committee), where states are made aware of global security issues and in turn voice their security concerns. This process reveals the inter-dependent nature of security issues, while taking into account the legitimate security interests of each member state. It is here that global security is presented in the regional contexts, and that stark differences between the security concerns of developing and industrialised countries come to light.<sup>20</sup>

Although these debates and deliberations often culminate in the adoption of resolutions, these are considered more as recommendations without being legally binding. However, it may be said that discussions do produce future guidelines for the multilateral disarmament process and set certain limits (by the process of international customary law) on the freedom of "states to produce, transfer and deploy weapons, as well as on State behaviour with regard to war and peace in the nuclear age".<sup>21</sup> It is important to note that, whereas the role of the United Nations mainly involves discussions in various bodies (First Committee of the General Assembly, Disarmament Commission, ad hoc committees of the Conference on Disarmament, special sessions of the General Assembly), negotiations take place only in the Conference on Disarmament which, as mentioned in the preceding section, is an independent body (although it is financed by the UN and regularly reports to it).

Although the Conference on Disarmament is a comparatively new institution within the United Nations (1979), the multilateral body is not able to function at its optimum level. The same variables which contribute to the relative inefficiency of other multilateral bodies of the United Nations seem to affect the functioning of the Conference on Disarmament. Of these,

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<sup>19</sup> Henning Wegener, "The Limitations and Possibilities of Multilateral Disarmament" in *The United Nations, Disarmament and Security: Evolution and Prospects, op. cit.*, p.84.

<sup>20</sup> The following section will deal with some of these discrepancies, especially in the context of nuclear issues and non-conventional weapons.

<sup>21</sup> *The United Nations, Disarmament and Security: Evolution and Prospects, op.cit.*, p.84.

"repetitious resolutions and speeches, and unwillingness of delegations to adjust to major new events"<sup>22</sup> are the most noticeable. It may be added that the disappearance of East-West antagonism has brought in its wake a host of new issues which threaten to polarise the world along the North-South and other emerging ideological axes, posing new obstacles in the path of international disarmament dialogue.

The mulling over of position papers, resulting in time-consuming drafting exercises (in order to ensure consensus in the Conference), usually leaves important analytical tasks unfinished. This inertia has sapped the negotiating potential of the Conference of Disarmament and has resulted in larger disarmament issues being dealt with outside the forum. In this context it must also be noted that, because security of member states underpins any disarmament exercise, the constraints shown in weapons stockpiling and arms exports are often at a minimum. Hence, while the Conference on Disarmament actively seeks to build confidence among member states, the mad rush to acquire state-of-the-art weapons systems and the development of national arms industries are ever present impediments to general disarmament. Some authors take an even more critical view of the state of the United Nations disarmament process by suggesting that the "parliamentarisation of disarmament negotiations and the strengthening of the influence of the General Assembly" have led to the negotiation process degenerating into "a general palaver, especially between North and South".<sup>23</sup>

## II. Iran and the Question of Disarmament

The issue of disarmament for Iran (as with most other countries) is one which is determined by regional security demands, which continue to be the mainstay of its foreign policy. In the post-Shah period, Iran's approach to security has come to be based on the revolutionary doctrine of "Independence, Freedom and the Islamic Republic". This doctrine meant that Iran would henceforth follow a strict policy of non-alignment ("Neither East Nor West") in all affairs of the

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<sup>22</sup> Ibid., p.85.

<sup>23</sup> Lothar Brock, "Negotiations, Palavers and Surgical Strikes", in *The United Nations, Disarmament and Security: Evolution and Prospects*, op.cit., p.24.

state. Although it was never clearly defined, it signified a departure from the Pahlavi regime's pro-Western policies and strategies.

This section will concentrate on Iran's position on various issues which make up the agenda of the Conference on Disarmament. Of these, nuclear questions which range from assurances to non-nuclear weapons states and nuclear non-proliferation to the need for a test-ban will be examined. The issue of chemical weapons will be given special emphasis by virtue of the impact it had on Iran's policies during the Iran-Iraq war. In addition Iran's contribution during debates on regional disarmament, conventional weapons and the UN's role in disarmament will also be studied.

## **II.1 Nuclear Issues**

The main resemblance between Iran's position on nuclear issues in the pre-revolutionary period and in the post-Shah period is the decision to remain a party to the limited test-ban treaty and to the non-proliferation treaty, which it ratified in 1970.

After the victory of the revolutionary forces in February 1979, the Islamic Republic has joined the ranks of those states which do not belong to a military alliance with a nuclear power, and have sought to obtain assurances that nuclear weapons would not be used against them. By virtue of its ratification of the non-proliferation treaty (NPT) Iran is eligible for support and immediate assistance from nuclear-weapon member states if attacked or threatened with nuclear weapons. But its anti-American foreign policy and radical stance on non-alignment have made it more susceptible to becoming a victim of a situation in which – if it were threatened or attacked with nuclear weapons by one of the nuclear weapon states which is also a permanent member of the Security Council – it could not get any help, since the nuclear weapon aggressor would block any action by the Council.<sup>24</sup>

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<sup>24</sup> In a debate in the Conference on Disarmament in 1987, Iran's Foreign Minister Ali Akbar Velayati stated that, because of the "strategic significance" of his country, it remains not only "under constant and direct threat from conventional and chemical weapons, but also faces the perils of nuclear weapons"... *CD/PV.425*.



The possibility of such a situation occurring prompted a conference of non-nuclear states to meet in Geneva (August 29 to September 28 1968) shortly after the signing of the NPT.<sup>25</sup> One of the main points on the agenda was how to ensure the security of non-nuclear weapon states. Many participants contended that the nuclear-weapon states should provide "negative" security assurances – namely commit themselves not to use or threaten to use nuclear weapons against non-nuclear weapon states. During the conference, Pakistan put forward a draft resolution by which the conference of non-nuclear weapon states was to urge the nuclear-weapon powers to refrain from the use or threat of use of nuclear weapons against any non-nuclear weapon state which had renounced the manufacture or acquisition of nuclear weapons.<sup>26</sup> The declaration which finally emanated from the Conference was seen by many as having made little progress, as it simply reiterated the relevant provisions of the UN charter (especially under Chapter VII) without distinguishing between nuclear and non-nuclear weapons usage in the relations between states.<sup>27</sup>

It was not until 1979, following the appeal by the First Special Session, that the Conference on Disarmament included the issue in its agenda under the heading "Effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons". In July of the same year, a special subsidiary body of the Conference on Disarmament began work on the question. The mandate for the subsidiary body, which was first called the "Ad Hoc Working Group" and since 1984 the "Ad Hoc Committee", has remained the same: "to continue to negotiate with a view to reaching agreement on effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons".<sup>28</sup>

The debates on negative security assurances in the Conference on Disarmament have focused on two main areas, (i) the scope or content of negative security assurances, and (ii) the form in which the assurances should be given. Iran's contributions in both these areas have been

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<sup>25</sup> See United Nations, *The United Nations and Disarmament 1945-1970*, New York, United Nations, 1970, pp.307-326. The Final Document of the Conference is contained in *UNGAOR A/1277*.

<sup>26</sup> Pakistan's draft resolution is contained in *UNDoc., A/Conf.35/C.1/L.11*.

<sup>27</sup> The ambiguity with regard to the above is to be found in a resolution proposed by the Federal Republic of Germany contained in *UNDoc., A/Conf.35/C.1/L.13/Rev.1*. The wording proposed by Germany was adopted as Resolution A of the Conference and can be found in *UNGAOR A/1277*, p.4.

<sup>28</sup> See for example *CD/111 and CD/1964*.

very much akin to the position of Pakistan, which is the spokesman for the Group of 21 (neutral and non-aligned members of the CD) on the issue of negative security assurances.

Proposals for a general ban on the use or threat of use of nuclear weapons have been made by member states of the Group of 21.<sup>29</sup> Such a ban would be broader in scope than negative security assurances to non-nuclear weapon states since it would apply equally to nuclear and non-nuclear countries. The three Western nuclear-weapon states and other countries of the Western group have opposed these proposals, taking the position that prohibition of the use of nuclear weapons must be considered in the context of the prevention of war in general. Considering that nuclear weapons are an essential element of Western security, these countries have contended that States have the right to use the means they deem most appropriate in accordance with Article 2, para 4, and Article 51 of the UN Charter.<sup>30</sup>

## II.2 Negative Security Assurances

In this context many members of the Group of 21,<sup>31</sup> notably Pakistan,<sup>32</sup> have demanded that unconditional assurances be given to non-nuclear weapon states. Iran is among those members which are parties to the NPT and have argued that, by forswearing the nuclear weapons option, they expect the nuclear-weapon states to renounce these weapons as well. Foreign Minister Velayati, addressing the Conference in 1987, said that the most "effective guarantee" in this respect would be a "total ban on the use of nuclear weapons", with nuclear-weapon states announcing their "adherence to this decision through internationally binding commitments".<sup>33</sup> The Western countries, however, are reluctant to support unconditional assurances, let alone a total ban, arguing that the "no-use obligation" should also apply to countries which have not renounced the possession of nuclear weapons.<sup>34</sup>

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<sup>29</sup> See for example CD/280 and CD/407. Members of the Group of Socialist States (the Group of Eastern European and other States) and China have also supported this proposal.

<sup>30</sup> See for example CD/421.

<sup>31</sup> See for example *Political Declaration of the Eighth Conference of Heads of State on Government of Non-Aligned Countries (1986)*; and *Final Communiqué of the Nineteenth Islamic Conference of Foreign Ministers (1990)*. Also CD/280 and CD/407.

<sup>32</sup> See CD/120; CD/161.

<sup>33</sup> See CD/PV.425.

<sup>34</sup> See for example CD/1039.

In short, the discussion on negative security assurances has achieved very little progress. In the words of one author, "Efforts to harmonise the proposed criteria and arrive at an agreement on the scope and form of a common arrangement have not produced any results". The lack of harmonisation can be attributed to the conflicting positions of both non-nuclear weapon states and nuclear-weapon states on the subject. The former, of which the Group of 21 is the driving force, continues to press for the conclusion of an international legal instrument which would provide a uniform, unconditional and unlimited commitment of the nuclear powers not to use or threaten to use nuclear weapons against non-nuclear weapon states. The existence, however, of non-parties of the NPT within the Group of 21 (eg. India) has meant that the group has refused to concede any obligations on the part of non-nuclear weapon states in exchange for security assurances. This has made the achievement of the unconditional assurance unattainable.<sup>35</sup>

As for the nuclear weapon powers, their intransigence can be attributed to individual nuclear doctrines. "Any revision of these doctrines, which might be the only way of reaching agreement on a common formula, is regarded by them as touching upon their most fundamental security interest".<sup>36</sup>

This intransigence caused the ad hoc committee on negative security assurances to conclude as early as 1983 that the "Working Group had exhausted its discussions on the subject".<sup>37</sup>

In the Final Document of the first special session of the General Assembly on disarmament (1978), the member states of the United Nations recognised that the cessation of nuclear-weapon testing would make an important contribution to the goal of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons, and of preventing the proliferation of nuclear weapons.<sup>38</sup>

China and France voiced their disagreement with the idea of complete prohibition of nuclear tests. France argued that cessation of tests would not contribute towards the prevention of the

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<sup>35</sup> Thomas Bernaver, *Nuclear Issues on the Agenda of the Conference on Disarmament*, New York, United Nations, 1991, p.24.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, quoted from *Report of the Ad Hoc Committee in CD/421*.

<sup>38</sup> See *Annex I pertaining to Chapter VIII*. Paragraphs 50-51.

production of new types of weapons, since the two most heavily armed powers had accumulated sufficient data, as a result of past tests, to make any qualitative changes necessary.

However, following consultations between the Soviet Union and the United States in June 1977, trilateral negotiations, with the participation of the United Kingdom, began in July that year to bring about a comprehensive test-ban. Although the negotiations were private, the three negotiating powers submitted a report to the Conference on Disarmament stating that they had agreed that the treaty would require each party to prohibit, prevent and not carry out any nuclear-weapon test explosion at any place under its jurisdiction or control in any environment; and to refrain from causing, encouraging or in any way participating in the carrying out of any nuclear-weapon test explosion anywhere. They had also agreed that the treaty would be accompanied by a protocol on nuclear explosions for peaceful purposes. The negotiating parties had come to an understanding that a variety of verification methods should be provided to enhance confidence that all parties to the treaty were in strict compliance with it. In conclusion, the three negotiating parties noted that they had gone far in their pursuit of a sound treaty, and continued to believe that their trilateral negotiations offered the best approach.<sup>39</sup>

The trilateral negotiations encouraged the United Nations General Assembly to adopt two resolutions in December 1980, on the cessation of nuclear weapon tests. Though the first resolution, initiated by the non-aligned countries, the General Assembly reaffirmed the important need for a test-ban treaty, urged all members of the Conference on Disarmament to support the creation of an ad hoc working group to start multilateral negotiations, and called upon the Soviet Union, the United Kingdom and the United States to halt tests without delay, either by a trilaterally agreed moratorium or unilaterally. The resolution was adopted by a majority vote, with only the United Kingdom and the United States voting against.<sup>40</sup> The second resolution, sponsored by the Western countries, called upon the three negotiating powers to try to bring their negotiations to a successful conclusion, and also requested the Conference on Disarmament to establish a working

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<sup>39</sup> The above information has been taken from *The United Nations and Disarmament: 1945-1985*, New York, United Nations, 1985, pp.68-69.

<sup>40</sup> See *General Assembly Resolution 35/145A*, adopted by 111 votes for, 2 against and 31 abstentions.

group to initiate multilateral negotiations on a comprehensive test-ban treaty at its 1981 session.<sup>41</sup>

Due to a lack of consensus at the 1981 sessions of the Conference on Disarmament, the establishment of a working group was further delayed. The United States explained that, since the "review of its policy concerning nuclear testing, including the question of negotiations on a test-ban, had not yet been completed, it could not agree to the establishment of a working group". The United Kingdom maintained that the "tripartite forum offered the most realistic approach".<sup>42</sup>

Iran was among many countries who felt that "a comprehensive test-ban treaty should remain the primary objective of the Committee [Conference] on Disarmament". Speaking at the Conference's plenary, the Iranian delegate said that the Comprehensive Test-Ban Treaty or CTBT had become "a symbol of a negotiation breakthrough", and failure to "reach agreement on this issue would seriously undermine the prospects for further arms limitations". Upholding the view put forward by the Group of 21, the Iranian delegate was of the opinion that working groups were the most suitable machinery for concluding negotiations in the Conference on Disarmament, and he hoped that one which addressed the issue of CTBT would be established soon.<sup>43</sup>

At the second special session of the General Assembly devoted to disarmament (1982), there was a general sense of gloom over the lack of progress. Any prospect of a breakthrough on the CTBT seemed to vanish when the United States announced its decision a few days after the conclusion of the special session, not to resume the trilateral negotiations on a test-ban treaty. However, the Conference on Disarmament decided, in the course of its 1982 session, to establish an ad hoc working group "to discuss and define, through substantive examination, issues relating to verification and compliance, with a view to making further progress towards a nuclear test-ban".<sup>44</sup> To date a comprehensive test-ban treaty has not been achieved. In concluding this part, it

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<sup>41</sup> See *General Assembly Resolution 35/145B*, adopted by 129 votes for, none against and 16 abstentions.

<sup>42</sup> *The United Nations and Disarmament: 1945-1985, op.cit.*, p.69.

<sup>43</sup> See *CD/PV.108*.

<sup>44</sup> Treaties Pertaining to Nuclear Explosions are as follows: • *Partial Test-Ban Treaty*: signed and entered into force in 1963. 117 signatories at the end of 1990. Prohibits nuclear explosions anywhere but underground. Preamble commits signatories to seek to "achieve the discontinuance of all test explosions of nuclear weapons for all time". • *Nuclear Non-Proliferation Treaty*: Entered into force in 1970; 141 signatories at the end of 1990. Preamble especially article VI, recalls commitment to ban nuclear weapon tests. • *Threshold Ban Treaty*: Signed by the U.S. and the Soviet Union in 1974. Ratified and formally entered into force in 1990. Prohibits military nuclear explosions exceeding 150 kilo tons. Commits U.S. and Soviet Union to "continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests". • *Peaceful Nuclear Explosions Treaty*: Signed by the U.S. and the Soviet

would be in place to discuss the need for such a treaty and its implications for signatories of the NPT like Iran, which are allegedly in the midst of a nuclear programme, with possible military uses.

Some observers are of the opinion that, with the apparent increase in nuclear weapon proliferation in the non-Western world (e.g. Iraq in the post-Gulf War period), leaders like President George Bush – while showing real concern – have now allowed their diplomats to broach "the single best way to stop the spread of nuclear weapons: a comprehensive nuclear test-ban".<sup>45</sup> This particular author proceeds to give two reasons why a treaty on a nuclear test-ban would effectively curb nuclear proliferation. Firstly, that a country seeking to develop nuclear weapons "would want to test one or more", to show whether a weapon worked, "while helping to intimidate neighbours". The second, not so obvious, reason is that a comprehensive test-ban would "lessen resentment of the powers that have nuclear weapons and keep testing new ones: the Soviet Union, China, the United States, France and Britain. And it would lessen the urge to copy them".<sup>46</sup>

The lack of interest shown by certain nuclear-weapon countries – namely the United States – in concluding a CTBT<sup>47</sup> may result in many countries which have foresworn the nuclear weapons option rethinking their national security requirements. The time of reckoning draws near, since the adherents of the NPT must decide in 1995 whether to extend the treaty indefinitely or for a fixed period, such as another 25 years.<sup>48</sup>

As to why leaders like President Bush have refused to discuss the idea of a CTBT, it is the

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Union in 1976. Ratified and formally entered into force in 1990. Prohibits nuclear explosions for "peaceful purposes" exceeding 150 kilo tons. Taken from *The Defence Monitor*, The Centre for Defence Information, vol.xx, no.3, 1991, p.5.

<sup>45</sup> Anthony Lewis, "Ban Tests of Nuclear Weapons", *International Herald Tribune*, Jan 9, 1991.

<sup>46</sup> *Ibid.*

<sup>47</sup> It is reported that, unlike the U.S., the Soviet Union under President Mikhail Gorbachev has made repeated gestures towards ending all nuclear explosions. In August 1985 the Soviet Union announced a voluntary, unilateral moratorium on nuclear explosions which it subsequently extended four times until February 1987. The Reagan administration, invited to reciprocate, refused. *The Defence Monitor*, *op.cit.*, p.4.

<sup>48</sup> At the most recent NPT review conference (1990), failure to achieve consensus on a final document was due to the unresolved issue of a timetable for a CTBT. A number of non-aligned countries, led by Mexico, tried to get the U.S. to commit itself to ending nuclear tests. "Some non-nuclear states are asking if their decision to forgo the nuclear option has been fairly reciprocated by nuclear weapon states". See Holly Porteous; "The case for a Comprehensive Test-Ban Treaty", *International Defence Review*, March 1991, p.209.

contention of some writers that

"Mr Bush's positions appears to be a belief among conservatives that continued testing is a symbol of American status and power in the world. Mr Bush is always worried about the political right, and refusing to even talk about a test-ban may seem to him a relatively small bone to toss to the right".<sup>49</sup>

### II.3 Iran and Nuclear Weapons Programme

Iran's interest in the nuclear field can be traced back to the US Atoms for Peace programme in the 1950s. In 1957, at the inauguration of an American Atoms for Peace exhibit in Tehran, the Shah announced his country's willingness to cooperate in research on the peaceful uses of nuclear energy. Since then, however, Iran's interest in acquiring nuclear weapons technology has been no secret.<sup>50</sup>

In the post-Shah period, Tehran is reported to have revived and even expanded the Shah's "semi-clandestine nuclear weapons programme" with the aid of countries like Pakistan. This was corroborated after Iran's leading nuclear scientists held a high level meeting in January 1987, during which Dr. Abdul Qadir Khan, the originator of the Pakistani bomb, visited Tehran to "assess the Iranian nuclear potential and discuss future cooperation with the Iranian leadership". The then president of Iran, Ayatollah Ali Khamenei, urged the participants to intensify their work "in defence of your country and your revolution". Soon afterwards it was learnt that Iran and Pakistan had entered into an agreement on technical cooperation in military nuclear fields.<sup>51</sup>

By 1989 it was reported that Pakistan was helping Iran to build a reactor of Chinese design for the extraction of plutonium. In the same year, the alliance which was developing around Iran's nuclear programme grew to include the Democratic People's Republic of Korea, which – following the visits of high-level delegations from Iran – agreed to provide assistance in the area of strategic weapons which were later upgraded to include nuclear weapons.<sup>52</sup>

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<sup>49</sup> "Ban Tests of Nuclear Weapons", *op.cit.*

<sup>50</sup> See for example Daniel Poneman, *Nuclear Power in the Developing World*, London, George Allen & Unwin, 1982. Especially Chapter 5, which evaluates the nuclear weapons programme in Iran during the Pahlavi monarchy.

<sup>51</sup> Yossef Bodansky, "Radical States and Nuclear Proliferation: Racing to the Finish", in *Defence and Foreign Affairs Strategic Policy*, Winter 1991-1992, p.11-12.

<sup>52</sup> *Ibid.*, p.12.

The onset of the Gulf crisis (over Kuwait) served to accelerate Iran and Pakistan's nuclear programmes. Hojjatalislam Mehdi Karrubi, who arrived in Islamabad during this period, emphasised military cooperation between the two countries because of the "great need for the defence of this region". The visit yielded "special pacts concerning closer military cooperation, and Iran immediately deposited US\$50 million in revolving funds in Pakistan banks for the support of special key Pakistan defence programmes, mainly nuclear-related".<sup>53</sup>

If the above reports are accurate, including the most recent (July 1991) agreement with China, under which the latter is to provide the necessary expertise to complete an Iranian nuclear reactor, then Iran can be considered as one of those NPT signatories which have re-evaluated their security needs to include nuclear weapons. Although Iran continues to deny its capability of making atomic bombs, the head of its Atomic Energy Organisation, Reza Amrollahi, in August 1991 criticised the superpowers for preventing the transfer of nuclear technology "in order to better control the Third World and suppress its resurgence". He said in conclusion that Iran's nuclear development was aimed at countering this doctrine, explaining that "with regard to political issues, our grave responsibility is quite clear".<sup>54</sup>

### III. The Strategic Development of Chemical Weapons in the Iran-Iraq War

It is now beyond doubt that Iraq used lethal chemical weapons in its war against Iran.<sup>55</sup> This section will examine the issue of chemical weapons, their strategic deployment during the Iran-Iraq war, and the extent to which they have been credited with bringing Iran to the negotiating table. References to the Iranian delegation's response to chemical weapons use against its forces will further illustrate the impact this subject had on Iran's foreign policy.

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<sup>53</sup> Ibid.

<sup>54</sup> Ibid., p.13.

<sup>55</sup> This fact has been verified by many reliable sources, including the International Committee for the Red Cross. It must be mentioned in this respect that, although the United Nations verified that chemical weapons had been used, it did not verify the user. For a highly plausible account, see "War's Dirty Chemistry", *Newsweek*, April 2, 1984, pp.54-56. Also see CD/PV.242. for several references citing Iraq's use of chemical weapons. These were made in a speech of the Foreign Minister of Iran, Mr. Velayati, to the plenary meeting of the Conference on Disarmament.



### III.1 Chemical Weapons Attack by Iraq

As early as 1980 (the year the Iran-Iraq war started), Iran charged (although not within the newly formed Conference on Disarmament) that Iraqi forces had used chemical weapons in the Panjvin area. According to a report published in the Washington Post, Iranian sources complained that these weapons "caused blisters".<sup>56</sup> However it was not until 1982 that the usage of chemical agents by Iraq as part of its overall tactics against Iran was confirmed by the Western press. It was reported that the Iraqis, in order to stem advancing Iranian forces, had used non-lethal tear gas which was construed by the latter as being a lethal agent and caused them to retreat in total disarray.<sup>57</sup>

The effectiveness of chemical weapons is twofold: physically they can kill and maim, and psychologically they can scare and produce panic. The effects take place on two levels. At the tactical level, chemical weapons can "influence the shape and outcome of battle". At the strategic level, when used against the enemies' cities, they can produce "physical and psychological effects that may undermine morale and produce a decision to end the conflict".<sup>58</sup> A combination of these two factors, it can be said, "encouraged an appreciation in Iraq of the potential of lethal synthetics on the battlefield".<sup>59</sup>

Following from this, credible reports suggest that, in 1982, Iraq was using chemical agents in order to resist Iranian human wave formations and night attacks. By 1983, Iraq was deploying chemical weapons along its battlefront which exacted a fair number of casualties, most of them being maimed. Although Iran tried its best to attract the attention of the Western media and governments by publishing colour pamphlets describing the situation, these failed to elicit any response.<sup>60</sup>

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<sup>56</sup> *Washington Post*, November 17, 1980.

<sup>57</sup> "Iraq's Scare Tactic". *Newsweek*, August 2, 1982, p.11.

<sup>58</sup> Thomas L. McNaugher, "Ballistic Missiles and Chemical Weapons: The Legacy of the Iran-Iraq War", *International Security*, vol.15, no.2, Fall 1990, p.15.

<sup>59</sup> W. Andrew Terrill Jr., "Chemical Weapons in the Gulf War", *Strategic Review*, Spring 1986, p.53.

<sup>60</sup> The most number of casualties were reported during the month of August and November 1982 from the areas around Piranshahr and Panjvin. *Ibid.*

By 1984, when the land war was already turning in Iran's favour and the first of several "final offensives" was being implemented, chemical weapon usage became a regular battle tactic for the Iraqi forces. This was also the year when UN investigations confirmed the use of mustard gas and a nerve agent<sup>61</sup> against Iran's human-wave assaults. During February 1984, Iran's regular army led by the Revolutionary Guards captured parts of the oil-rich Majnoon Islands. In response, Iraq mounted a series of counter-offensives to regain their lost territory but were unsuccessful. Finally, knowing that Iranian forces were ill equipped to face a chemical weapons attack,<sup>62</sup> the Iraqis began using the dreaded nerve agent, Tabun. Iran claimed that it lost nearly 2,000 troops in that single offensive, and admitted that the casualties could have been much greater had it not been for the strong winds which dispersed the lethal gas. Nevertheless the Iraqis were unable to dislodge the Iranian troops from the islands.<sup>63</sup>

Following this chemical weapons attack, the Iranian delegation to the Conference on Disarmament did its utmost to stir into action the members of the international community represented there. The Iranian spokesman opened his speech by referring to an International Committee of the Red Cross (ICRC) press release which confirmed the usage of chemical agents against Iranian soldiers (two of whom died during the visit of ICRC delegates).<sup>64</sup> Thereafter the Iranian spokesman made references to the individual and joint reports of the specialist team sent to Iran by the UN Secretary-General, which confirmed the use of chemical weapons. These confirmations of actual usage did not result however, in any joint condemnation of Iraq, which the Iranian delegate thought reflected a lack of responsibility on the part of the Conference, especially since Iraq's actions grossly violated the 1925 Geneva Protocol. The Iranian spokesman concluded by calling upon all members of the international community, regardless of their political leanings, to "denounce and condemn, in the strongest possible terms, any violation of international law and

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<sup>61</sup> See *UNDoc.*, S/16433. Document reflects the report of the on-site investigations, conducted by experts dispatched by the United Nations Secretary-General.

<sup>62</sup> Some authors have commented that, by the time of the Majnoon Islands chemical weapons attack, the Iranians had marginally improved their chemical defensive capacities. This was evidenced by the presence of protective masks, atropine injectors and limited amounts of protective clothing found among the Iranian dead. See Shahrain Chubin, "The Iran-Iraq War and Persian Gulf Security" *International Defence Review*, vol.17, no.6, June 1984, p.711.

<sup>63</sup> *Discussions with Hassan Mashaadi, Iranian Councillor for Disarmament Affairs*. April 1992.

<sup>64</sup> See *ICRC Press Release*, No.1481, March 7, 1984.

protocols" ... in the absence of which "there [would] be no difference in weapons for a violator, whether the weapon be nuclear or chemical".<sup>65</sup>

### III.2 Dangers of Chemical Weapon Proliferation

In a sense, this closing remark made by the Iranian spokesman mirrors the concern in the Western world about the dangers of the proliferation of chemical weapons in the developing world. Take for example a statement made by the Director of the United States Arms Control and Disarmament Agency to a Senate hearing in 1984:

"When I look at the remainder of this century and what kind of threats there are to security around the world, I personally put the threat of a nuclear war low, very low. I personally put the increasing use of chemical weapons around the world high".<sup>66</sup>

The United States' State Department in the same year condemned Iraq's use of chemical weapons, but not without criticising the Iranian government first for failing to accept a negotiated settlement,<sup>67</sup> (which would mean that there would be no winners in the Gulf war). This relatively mild official US position encouraged the Iraqi regime to continue to use chemical weapons. At that time there existed in the USA an official school of thought, which emerged via the US press, which called for punitive action against Iraq's chemical weapon storage facilities. But the feasibility of such a strike was abandoned on the pretext that there were not enough American aircraft strategically located.<sup>68</sup>

The failure on the part of the US and other Western government to check Iraq's use of chemical weapons and – in the case of some countries – to halt their supplies of chemical substances to Iraq, caused the Foreign Minister of Iran to remark in the Conference on Disarmament that Iraq was only a "second degree agent" in the aggression against his country. The "first degree agents" were those countries that provided Iraq with the arms necessary for aggression.<sup>69</sup>

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<sup>65</sup> See *CD/IV.254*.

<sup>66</sup> US Senate Committee on Foreign Relations and Sub-Committee on Energy, Nuclear Proliferation and Government Processes of the Committee of Government Affairs. *Joint Hearing on Chemical Warfare: Arms Control and Non-Proliferation 98th Congress, 2nd Session, Washington DC, 1984*, p.34. As quoted in Elisa D Harris, "Chemical weapons proliferation in the developing world" *Rusi and Brassey's Defence Year Book, 1989*, London, 1989, p.67.

<sup>67</sup> "Chemical Weapons and the Iran-Iraq War: Department Statement, March 5, 1984" in *Department of State Bulletin*, No.2085, April 1984, p.65-66.

<sup>68</sup> See *New York Times*, March 30, 1984.

<sup>69</sup> See *CD/IV.242*. It is ironical that, at another plenary session of the Conference on Disarmament, the Iranian

### III.3 Iran's Options to Use Chemical Weapons

There are some who tend to agree that Iran may have used chemical weapons, while adding that the available data has been known to be often incorrect or even incomplete.<sup>70</sup> Even so, this does not answer the question as to why Iran was not able to make the use of chemical weapons a regular military option. In April 1988 for example, when Iraq launched a surprise assault against a depleted Iranian defending force of about 10,000 soldiers in the campaign to recapture the Fao peninsula, Iran could have effectively used chemical weapons to deter the superior Iraqi forces and thereby have avoided losing a strategic piece of territory, but this did not happen. A similar situation, although without the surprise element, presented itself a few months later, in June 1988. This time Iraq prepared a final assault with its formidable tank divisions to recapture the Majnoon Islands (occupied by Iran in 1983), and used chemical weapons in this campaign to regain lost territory.

Iran's decision not to avail itself of the chemical weapons option in both the above cases has been attributed to Khomeini's absolute opposition to the use of such weapons especially against fellow Muslim combatants. Another explanation may lie in the factional infighting among policy-makers in Tehran and among Iran's field commanders, both of whom would have been considering criteria like the extent to which chemical weapons could alter a battle situation when weighed against Iran's deteriorating international position.<sup>71</sup>

One of the ironies of Iran maintaining the moral high ground by not settling for the chemical weapons option was that, while it was not able to reap any strategic benefits, it was accused of being a user which added to its negative international image. One particular example illustrates this point.

In March 1988 Iraqi troops used lethal gas to retake the small Kurdish town of Halabjah

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representative gave the Federal Republic of Germany (FRG) credit for arranging a workshop in Munster in June 1984, which addressed the issue of the elimination of chemical weapons. With hindsight it is now known that the FRG was one of Iraq's main suppliers of chemical weapons technology. Also see *CD/IV.286*.

<sup>70</sup> Iran's usage of chemical weapons is not a clear fact as when, where and how much remains uncertain. See *Ballistic Missiles and Chemical Weapons, op.cit.*, p.16.

<sup>71</sup> *Ibid.*

which being occupied by Iranian troops. Between 3,000 and 5,000 people died, a majority of them civilians. Two years later on May 3, 1990 an article in the Washington Post accused Iran as well as Iraq of having used chemical weapons against the Kurds on that occasion. The accusation was mainly based on the finding that the cyanide gas which was used was an agent believed not to be among Iraq's assortment of chemicals at that time.<sup>72</sup> Other reasons given in the above article such as Iran's absolute military need to maintain control over Halabjah by risking collateral damage to its civilian population can be discounted considering the fact that the "Kurds in this area had long sought independence from Iraq and had therefore sided openly with Iran".<sup>73</sup>

#### III.4 United Nations Investigation on Chemical Weapons Use

From March 13 1984, when the team dispatched by UN Secretary-General Perez de Cuellar arrived in Tehran to investigate and verify usage of chemical weapons by Iraq, up to the disaster which befell the people of Halabjah in 1988, the Iranian delegation put the issue of chemical warfare on the top of its disarmament agenda. It cited many instances where chemical weapons were wantonly used during this period, causing death and injury.<sup>74</sup> Disappointed at the failure of the Conference on Disarmament to reach a consensus on the issue, which would have led to the condemnation of Iraq at the very least, the Iranian Foreign Minister said the only motive for this lay in the interest of some states which had "secured their arms markets at the cost of creating and sustaining tensions of the worst kind in the region". He added that "striving against the merchants of death" should be an important priority on the agenda of the Conference.<sup>75</sup>

As Chapter VII of this dissertation illustrates, Iran warded off international pressure to bring the war to a close by setting out certain conditions which included heavy war reparations to be paid to it and unequivocal condemnation by the international community of Iraq as the aggressor. It is worthwhile to note in this respect that, even when there was mounting opposition within Iran

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<sup>72</sup> *Washington Post*, May 3, 1990.

<sup>73</sup> Robin Wright, *In the Name of God: The Khomeini Decade*, New York, Simon and Schuster, 1989, p.174.

<sup>74</sup> For example, a year after the first visit of the United Nations investigating team (i.e. since March 1984), Iran reported that Iraq had resorted to using chemical weapons on 26 occasions. See *CD/PV.299*.

<sup>75</sup> See *CD/PV.308*.

to continuing the war, brought about by the fear of being bombarded by chemical weapons, the leadership remained intransigent. In a letter to the Secretary-General on January 29 1985, the Iranian Foreign Minister asked about effective ways of preventing Iraq from using chemical weapons, independent from the wider framework for a total cessation of hostilities – which, he added, would be unacceptable to his government. Subsequently Iran suggested that the United Nations base a permanent mission in Tehran in order to monitor and report on the deployment of chemical weapons by Iraq, arguing that such a measure might play a deterring role.<sup>76</sup> This instance indicates that, while Iran thought of chemical weapons as being against the rules of warfare, it was quite prepared to continue fighting using conventional means.

The fact that Iran transported many of its victims of chemical warfare to various European capitals for treatment and requested members of the international community to extend humanitarian help<sup>77</sup> resulted in another team of UN specialists visiting Iran from February 26 to March 3 1986. In the report which was completed on March 14 1986, the following parts reflect the nature of chemical warfare in the Iran-Iraq war.

Paragraph 42 of the report contained the testimony of a captured Iraqi pilot who said the reason no unexploded bombs were found on this mission was because "impact fuses were now being used in place of time fuses used previously". The pilot added that bombing tactics had changed from delivering ordnance from low altitudes to high altitudes. The pilot concluded that the use of

"chemical bombs had to be specifically authorised and pilots were not permitted to examine critically those attached to their aircraft prior to undertaking a 'special mission'. In spite of this restriction, the pilot was able accurately to describe the colour, shape, marking and mass of chemical bombs being used in attacks against Iranian forces and his description coincided with our description of the bombs examined by us in 1984".

In paragraph 44 of the report, the UN team underlined the validity of the information furnished by the pilot by noting that

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<sup>76</sup> *Ibid.* Also Hassan Mashadi stated in a discussion with the author that the above idea was accepted favourably by many members of the Conference, but was scuttled by certain countries which included the US.

<sup>77</sup> See CD/PV.347.

"The testimony of the Iraqi pilot given through an interpreter in the presence of all members of the United Nations team, was obtained without prompting or duress. The evidence is so vital that it cannot be ignored".<sup>78</sup>

Paragraph 56 under the heading "Summary and Conclusions" presents the findings of the investigations in the following manner:

- (a) "detailed examination of Iranian casualties showed ocular lesions, ranging from mild to severe conjunctivitis with intense palpebral oedema (swelling of the eyelid), skin lesions including large vesicles filled with amber fluid, cutaneous separations, dark pigmentations and lesions approximating to second degree burns. In some of the cases respiratory injuries and reduced leucocyte levels were found. The same features were found in other casualties which were cursorily examined as well as in corpses. All lesions observed were caused, without any doubt, by mustard gas (yperite).
- (b) using special instruments designed to detect chemical warfare agents, low concentrations of mustard gas vapour were detected in numerous craters at three sites around Abadan. Contaminated soil collected from a bomb crater (resulting from an attack the previous day on a field hospital), when analysed in laboratories in Europe, was found to contain mustard gas. In addition, a hair sample collected from a victim after he had been attacked with chemical weapons was shown to contain mustard gas.
- (c) examination of metal components of aerial bombs, collected from bomb craters around Abadan, showed that the items had come from bombs that were similar to those examined by the team in 1984. (During the present mission we did not find nor were we shown any other type of chemical weapons, such as artillery shells).
- (d) significant new evidence was provided during the interviews in Tehran with Iraqi (prisoner of war) casualties. They stated that their injuries had been caused by chemical bombs dropped by Iraqi aircraft during attacks on Iranian positions.

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<sup>78</sup> Report filed as *UNDoc.*, S/17911. The pilot was interviewed at a hospital in the Iranian city of Ahvaz on February 28 1986. The Iraqi pilot's aircraft had been shot down by an Iranian air-to-air missile several days before.

(e) important new evidence was also provided by a captured Iraqi pilot.

Paragraph 57 lists the following unanimous conclusions following the investigations:

- (a) in the areas around Abadan inspected by the mission, chemical weapons have been used against Iranian positions by Iraqi Forces,
- (b) based on medical examinations and testimony of Iranian and Iraqi casualties evacuated from the Fao area, chemical weapons were also used in that war zone by Iraqi Forces,
- (c) from the evidence examined by the specialists the type of weapon used was aerial bombs,
- (d) the chemical used was mustard gas (yperite),
- (e) the extent to which mustard gas was used could not be determined with the time and resources available to us. However, from the over 700 casualties actually seen in Tehran and Ahvaz it is our impression that the use of chemical weapons in 1986 appears to be more extensive than in 1984."

The concluding paragraph 58 indicated that the investigation team, having conducted the examination of various sites, weapons components and numerous casualties in 1984, 1985 and 1986, together with circumstantial evidence, were agreed that: (i) Iraqi forces had used chemical weapons on many occasions against Iranian forces; (ii) and the agent used mainly has been mustard gas, although on some occasions nerve gas was also employed.<sup>79</sup>

Following the circulation of the above report by the UN team of specialists (1986) and a statement by the Security Council condemning the use of chemical weapons Certain members of the European Community also adopted special measures to impose controls on certain substances which could be converted into chemical weapons.<sup>80</sup> However, Foreign Minister Velayati addressing the plenary of the Conference, reported that since the adoption of the Security Council's statement, Iraq had deployed chemical weapons on five separate occasions in different places. Velay-

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<sup>79</sup> *Ibid.* This report of the specialists was transmitted to the Security Council by the Secretary-General.

<sup>80</sup> For example during talks concerning the ban of chemical weapons held at the *Conference on Disarmament* in Geneva (February-March 1987), the United Kingdom proposed the establishment of a permanent system of routine inspections of chemical plants producing substances which might be diverted from industrial use to the illicit manufacture of chemical weapons. See *Keesing's*, vol.XXXIII, 1987, pp.35164-35165.



ati proposed that, in the light of Iraq's flagrant violation of the 1925 Geneva Protocol, the Conference on Disarmament seeking the cooperation of the United Nations should implement the following: first, re-condemn the use of chemical weapons as a "warcrime", second, investigate the suppliers of chemical weapons and substances to Iraq, third, impose a total ban on the exportation to Iraq of chemical substances and related technology which could be used to manufacture chemical weapons, fourth, ensure the dispatch of an investigation team by the Secretary-General whenever demanded by Iran at the earliest possible date, fifth, call on all countries to once again announce their commitment to the 1925 Geneva Protocol which had been weakened by Iraq, and sixth, make a direct call on Iraq to commit itself not to repeat the use of chemical weapons.<sup>81</sup>

In the period leading up to the massacre at Halabjah i.e. between the spring of 1987 and the spring of 1988, Iraq used chemical weapons on a number of occasions.<sup>82</sup> The Iranian delegates in the meantime could only propose more stringent action against Iraq, such as a total arms embargo, sanctions and even suspension of membership in the United Nations and other international organisations. In addition Iranian delegates reiterated their request for an effective international regime to monitor and prevent any violation of the Geneva Protocol of 1925.<sup>83</sup>

### III.5 The United States Interests in a Ceasefire

Iran believed – and with sufficient cause – that the lacklustre response by the Security Council in the face of what can be considered as among the most vicious usages of chemical weapons in modern warfare was directly attributable to the United States. Addressing a plenary session of the Conference in 1987, Foreign Minister Velayati said that Iraq had announced it would halt its "violation of international law" (presumably referring to the cessation of chemical weapons usage) only if the war was ended. Velayati added that the United States, which had previously condemned the use of chemical weapons by Iraq, was now preventing the Security Council from discussing the latest chemical weapon attack on the Iranian city of Sardasht (June 28,

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<sup>81</sup> See *CD/PV.379*.

<sup>82</sup> See for example *CD/PV.406*, which list five occasions in April 1987 alone when chemical weapons were used against Iranian cities and military theatres of operation.

<sup>83</sup> See *CD/PV.417*.

1988) and receiving a technical report on the issue.<sup>84</sup> This apparent change of US policy within the Security Council can be attributed to Iran's intransigence with regard to a cease-fire, (the period leading up to the acceptance by Iran of Security Council Resolution 598 which formally ended the Iran-Iraq war is documented in Chapter VII of this thesis).

Given that it was contrary to US interests in the region to see a theocratic Iran emerge as the victor in the war, it was not surprising that the "response of US politicians to Iraq's use of CW [chemical weapons] against its own civilians outweighed their response to Iraq's use of chemicals against Iranian troops".<sup>85</sup> This attitude on the part of the US towards the means Iraq adopted to confront Iran marked a deliberate shift from its policy of neutrality in the Iran-Iraq war. Beginning in 1984, there was a noticeable tilt toward Iraq, which was evident from the re-establishment of diplomatic relations, with Baghdad, and the supply to Iraq of economic assistance and even of military intelligence gathered via American satellites.<sup>86</sup> Correspondingly, the United States began to put heavier pressure on Iran. For example, in 1984 the US initiated "Operation Staunch" with the objective of stopping the supply of arms to Iran; combined with Iraq's bombing of Iranian cities and use of chemical weapons on the battle front, this brought tremendous psychological and economic pressures upon the policy-makers in Tehran.<sup>87</sup>

Although the desire of the US policy-makers was to bring Iran to the negotiating table, they were not surprised when what resulted was the putting together of a secret deal whereby arms would be traded for Western hostages. The Iran-Contra affair, as it came to be known, exposed that side of American policy which wanted to open a dialogue with Iran and hopefully pave the way for normalisation of relations between the two countries. In Iran too there were certain elements who thought such a deal would not only satisfy the immediate need for arms but could possibly lead to a rapprochement with the United States in the post-Khomeini era. This did not affect

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<sup>84</sup> See CD/PV.425.

<sup>85</sup> *Ballistic Missiles and Chemical Weapons, op.cit.*, p.23. The author cites the example of a report issued by the Senate Foreign Relations Committee of the United States, which barely mentioned Iraq's use of gas against Iran, despite the fact that such use had recently been verified by a UN team.

<sup>86</sup> Shireen T. Hunter, *Iran and the World: Continuity in a Revolutionary Decade*, Indianapolis, Indiana University Press, 1990, p.63.

<sup>87</sup> *Ibid.*, p.64.

the United States' decision to re-flag Kuwait's oil tankers in order to guarantee them safe passage through the troubled Straits of Hormuz during the tanker war. It must be remembered that it was this decision which brought the United States into direct confrontation with Iran<sup>88</sup> for the first time in the war and is credited in many ways to have contributed to Iran's decision to end the war by accepting the UN sponsored cease-fire.

In the aftermath of the Halabjah tragedy in March 1988 (where Iraq used chemical weapons against its Kurdish population) the Foreign Minister of Iran, Velayati, blamed the Security Council especially the United States for ignoring Iran's request to send an investigation team to Sardasht the previous year, stating that this indifference had encouraged Iraq to intensify its deployment of chemical weapons. He however acknowledged the efforts of the Secretary-General who tried his best to act in accordance to the mandate given to him by the General Assembly.<sup>89</sup> The low moral of Iran's fighting forces including the highly motivated Revolutionary Guards, caused by increasingly effective chemical weapon attacks assisted by valuable intelligence provided by the US to the Iraqi forces, resulted in Iran's war information minister, Mr Kamal Kharrazi, stating this his country "may be forced" to reconsider its decision not to use chemical weapons in the future.<sup>90</sup>

In concluding this section it may be mentioned that Iraq's ruthless use of chemical weapons in 1988 particularly in its campaign to regain the territories captured by Iran -- namely the Fao Peninsula and the oil-rich Majnoon Islands,<sup>91</sup> resulted in the need for the policy-makers in Tehran

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<sup>88</sup> Although 70% of attacks on shipping were carried out by Iraq as part of a strategy to internationalise the conflict, the most notable clashes reported were between Iran and the United States Navy. For example, in July 1987, when the first re-flagged Kuwaiti tanker hit a mine, the United States chose not to retaliate immediately against the presumed source, Iran. But almost two months later, in September, US helicopters attacked an Iranian vessel on the grounds that the latter was laying mines. Another serious incident occurred some three months before Iran formally accepted Security Council resolution 598. In April 1988, after a US ship named "Roberts" struck a mine, the United States retaliated by attacking an Iranian oil platform with an export capacity of 150,000 barrels a day. For details of further incidents culminating in the shooting down of an Iranian civilian aircraft, killing 290 people, by the USS Vincennes weeks before Iran accepted Resolution 598, see *ibid.*, p.70-71.

<sup>89</sup> *CD/IV.453*. Foreign Minister Velayati here is referring to General Assembly resolution 42/37 which was adopted by consensus in 1987, and in which part c called upon the Secretary-General to dispatch an investigatory team to the area.

<sup>90</sup> *International Herald Tribune*, March 24, 1988.

<sup>91</sup> Journalist Robin Wright asserts in her book that chemical weapons were singly responsible for the retreat of Iranian soldiers from an estimated 4,000 square miles and at the cost of tens of millions of dollars in war material, at Al Fao in April 1988. In the Majnoon Island campaign, similar deployment of chemical weapons by Iraq resulted in Iran losing "the last strategically and economically important property in its hands". *In the Name of God: The Khomeini Decade*, *op.cit.*, p.184.

to look for new avenues for change. This change had to be sought by diplomatic means rather than military strategies, because it had become clear to the regime in Iran that it was almost impossible to curb Iraq's propensity to use chemical weapons. Moreover, given the complacency with which the premier political organ of the UN, the Security Council, acted in response to Iraq's continuous violation of the Geneva Protocol of 1925, it had become evident to policy-makers in Tehran that the war could not be won, at least not at the huge human and material cost involved.

### **III.6 The Question of Chemical Weapon Proliferation**

Although chemical weapons can be said to have contributed to bringing Iran to the bargaining table and accepting a diplomatic solution to the Iran-Iraq conflict, the fact that Iraq had demonstrated its offensive and defensive chemical weapon capabilities points to the larger question – that of proliferation. In the case of Iran at least, there can be little doubt concerning its future plans to be well prepared in both offensive and defensive capacities. This was made apparent when, following the implementation of Security Council resolution 598, Hojjat al-Islam Ali Akbar Hashemi-Rafsanjani (current President of the Islamic Republic of Iran), addressing the officers of the Islamic Revolutionary Guard Corps on October 6, 1988, stated that

"With regards to chemical, bacteriological, and radiological weapons training, it was made very clear during the war that these weapons are very decisive... We should fully equip ourselves both in the offensive and defensive use of chemical, bacteriological, and radiological weapons."<sup>92</sup>

With the onset of the Gulf War, i.e. following Iraq's invasion of Kuwait, it is ironical to note that the single biggest threat facing the Allied troops was a chemical strike by Iraq. Reports, later confirmed, that Iraq had moved mobile Scud missile launchers into Kuwait increased the chances of a missile-delivered chemical attack on Arab and Western coalition forces in Saudi Arabia. US policy-makers, who for years had done the minimum to stop Iraq from using chemical weapons against its own civilians and Iranian forces, were suddenly anxious about US troops

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<sup>92</sup> "Radical States and Nuclear Proliferation: Racing to the Finish", *op.cit.*, p.12.

because of the very few counter-measures that are available to defend against a chemical weapon missile attack.<sup>93</sup>

On the other hand, while Iraq's decision not to use chemical weapons may have averted a more serious response from the Allied forces, i.e. a nuclear attack, on the other it has increased the commitment to and race for weapons of mass destruction in the region. It has been alleged that a number of regimes in the Arab world are actively pursuing a chemical weapons production programme. Syria is reported to have launched its chemical weapon's production in the mid-1980s. Libya attracted international attention in 1988 when the United States Central Intelligence Agency's findings showed that it was building a large chemical weapons plant at Rabta, 80 kilometres south of Tripoli.<sup>94</sup> Because of the relatively simple process involved in converting products from a commercial chemical industry into weapons grade chemicals, chemical weapons have come to be known as the 'poor-man's atom bomb'. In the strategic context, those Arab states which possess chemical weapons capability view it as a deterrent to Israeli nuclear weapons. However, this form of deterrent is not widely advertised for fear of reaction either from Israel or the West. The bombing of Iraq's military industrial complex during the war, followed by the UN's inspection and destruction of its chemical and nuclear weapons production facilities, has ushered in a new era – that of enforcing non-proliferation by military means.

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<sup>93</sup> For a critical appraisal of the measures available to counter a chemical weapon missile attack, including in-flight interception and the use of protective suits and antidote kits, see Ruchita Vohra, "Spread of Chemical Weapons and the West Asian Crisis", *Strategic Analysis*, October 1990, pp.861-864.

<sup>94</sup> *Ibid.*, p.855. The plant, which was claimed to be the largest chemical warfare agent production plant in the Third World, burnt down when a fire broke out in the plant in 1990.

## Conclusion

The Conference on Disarmament provided Iran with a platform from which to preach to the international community on the nature and scope of international disarmament. The Iranian delegation to the Conference attached great importance to nuclear issues and, in the aftermath of Iraq's attacks with chemical weapons, proceeded to press for the early conclusion of a convention which would altogether ban these weapons of mass destruction.

Iran's acute awareness of the historical antecedents of superpower rivalry in the region, combined with its anti-American foreign policy, led policy-makers in Tehran to be constantly on the defensive. They described every action of the superpowers and especially of the United States as contributing to the overall deterioration of regional and international security. For example, the abortive attempt of the US military to rescue American embassy personnel from Tehran on the night of April 25, 1980 was described by the Iranian spokesman to the Conference as an act of aggression which could have led to a "general conflagration with unforeseeable consequences", had the mission not been called off and had the Iranian Government not shown restraint. The Iranian delegate added that the use of force as exhibited by the US not only violated "a cardinal principle of the United Nations Charter" but also had a detrimental effect on other aspects such as the arms control process.<sup>95</sup>

Following the inaction of the Security Council and other political bodies of the United Nations in the face of the full-scale hostilities initiated by Iraq, the leadership in Tehran realised that many members of the international community were not willing to support the revolutionary government at the expense of jeopardising their relations with powerful Western countries led by the United States. This led Iranian delegates to the Conference to accuse those members of the international community who while professing "justice", had remained aloof and not condemned "the open aggression ... of the Iraqi regime". In the immediate aftermath of the war, Iran reserved

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<sup>95</sup> The last comment (preceeding the footnote) was a reference by the Iranian delegate to a statement made by the head of the American delegation at an earlier meeting, in which the latter had said that "arms control must be accompanied by restraint in international relations and strict observance by all Nations of the ... Charter of the United Nations". See *CD/PV.82*.

special criticism for countries like France, which, while providing the Iraqis with offensive weapons, failed on flimsy pretexts to deliver logistical material (patrol boats in this case) to Iran.<sup>96</sup> It may be mentioned that this isolation served to strengthen Iran's resolve to go it alone.

As the Iranian spokesman to the Conference declared:

"... we believe that the war cannot be won only by sophisticated arms and munitions such as French Mirages and Soviet T-55 tanks but by the faith and morale of the nation. An army that does not draw its moral strength from "popular support" is an army that does not have real strength".<sup>97</sup>

This 'popular support' was provided by the elite Iranian Revolutionary Guards Corps (IRGC), a body which emerged from among the ill-organised but zealous komiteh guards who became much despised for their excesses in the early days of the revolution. The IRGC, in the words of one author

"became the firm bastion of support for Khomeini and a counter-force to the armed forces ... to provide élan heroism and effective defence against internal uprisings and external enemies".<sup>98</sup>

Apart from being a dedicated fighting force, the IRGC expanded into military industrial activities, in many instances competing with the national defence industry controlled by the Defence Ministry. Certain observers are of the opinion that, following the regime's increased emphasis on the self-sufficiency drive in the defence industries sector, the Guards were by 1986-1987 "directing as many as 37 classified R & D [Research and Development] and weapons development projects".<sup>99</sup> Ali Akbar Rafsanjani (current President of the Islamic Republic) has been quoted as saying during the post cease-fire period (after the signing of Security Council Resolution 598) that

"The Government is and remains indebted to the guards for the role they have played in buttressing the revolution from its inception till today ... These large numbers of devout and devoted men have offered their lives and have been active in battlefields. They are the firm basis ... of the survival of the revolutionary rule".<sup>100</sup>

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<sup>96</sup> See *CD/IV.108*.

<sup>97</sup> *Ibid.*

<sup>98</sup> Haleh Afshar in an unpublished paper entitled "The political role of the Guardian Corps of the Islamic Revolution", no date, p.1.

<sup>99</sup> Anoushiravan Ehteshami in an unpublished paper entitled "Iran's Domestic Arms Industry", no date, p.5-6.

<sup>100</sup> Quoted from "The political role of the Guardian Corps of the Islamic Revolution", *op.cit.*, p.13.

As evident from other chapters in this dissertation, Iran was never satisfied with the way that the United Nations functioned. It was especially critical of the failure of the world body to ensure the peaceful settlement of disputes and the non-use of force in international relations. Iranian delegates to the Conference came to believe that a conventional war (like the one in which they were engaged with Iraq) could easily constitute the first step to a nuclear war, given the growing involvement of countries like the United States. In addition they felt that because Iran was "genuinely" non-aligned, it had become the victim of the "imperialist camp" and a "so-called superpower" which, in pursuing their interests were providing Iraq with sophisticated armaments to "exhaust the highly precious human and material resources ... in order to force [a] surrender" ...<sup>101</sup>

If the year 1988 represented a period in world history which marked rising hopes and expectations throughout the world both in the field of disarmament and resolution of conflict,<sup>102</sup> a year later the "no war no peace" situation which existed between Iraq and Iran was a source of much concern to policy-makers in Tehran. Addressing the plenary of the Conference on Disarmament in 1989, Iran's Foreign Minister Ali Akbar Velayati blamed the impasse on Iraq's refusal to withdraw to internationally recognised boundaries, as ordered by the Security Council, along with a cease-fire viewed as a mandatory first step towards a negotiated settlement. The failure of Iraq to comply with what Velayati termed the "most prominent provision of resolution 598" had escalated tension. He reminded the forum that the Security Council was uniquely responsible to "ensure compliance with resolution 598" and to act in its capacity as the primary organ of the United Nations charged with maintenance of international peace and security.<sup>103</sup>

In the year 1989 following the cease-fire, Iran's delegation to the Conference confirmed its determination to push for an early conclusion to the convention banning chemical weapons. It

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<sup>101</sup> See *CD/PV.203*.

<sup>102</sup> The achievements during this period which can be attributed to the United Nations were: the ratification of the treaty eliminating intermediate-range and shorter-range missiles (INF Treaty 1987), the establishment of a cease-fire between Iran and Iraq in accordance with *Security Council Resolution 598*, the withdrawal of Soviet forces from Afghanistan, and the continuing efforts to resolve the conflicts in South-Africa and Indo-China.

<sup>103</sup> See *CD/PV.514*. Iraq continued to occupy more than 2,000 square miles of Iranian territory after the cease-fire in July 1988. It only gave back the territory in the period following its invasion of Kuwait in August 1990.



did this by reaffirming its faith in the Conference on Disarmament as the "sole international body for disarmament negotiations" and called upon members and observers not to use the forum for "old polemics and politics of chicanery". As for the convention itself, Iran's spokesman said that it should ensure absolute prohibition, should be globally verifiable, unconditional and subject to no divergent interpretation. He added that adherence to the convention was particularly required from "those States which have used chemical weapons, those which assisted the violations in obtaining the technology to produce and use chemical weapons, and those which provided them with delivery systems".<sup>104</sup> In his address to the plenary session of the Conference on Disarmament in 1989, Iran's Foreign Minister Velayati stated that the reason certain influential members of the Conference were unwilling to take punitive action against Iraq for using chemical weapons lay in the fact that "the Iraqi Foreign Minister, in an interview with a Kuwaiti paper on the eve of the Conference, threatened that he would reveal the names of European suppliers of chemical agents and technology to Iraq, if those countries persisted in their pressure against Iraq".<sup>105</sup>

As discussed elsewhere in this thesis Third Worldism comprised an important part of Iran's foreign policy.<sup>106</sup> In representing the cause of the Third World in the Conference on Disarmament, it was the practice of Iranian diplomats to address some of the most contentious issues facing the international community, such as the relation between disarmament, development and international security, by laying the blame on those countries which fuel the arms race, leading to the depletion of precious economic resources which could be used for constructive purposes.

In the view of the Iranian Foreign Minister, Velayati, the arms race has been imposed on the Third World in such a way that, in spite of their economic and social problems, those countries are spending larger parts of their resources on armaments due to their "lack of confidence and international insecurity". He attributed this lack of tranquillity in international relations to the hegemonic aspirations of the superpowers, whose "suppressive policies against the Third World countries prevented them from achieving levels of independence, security and development".<sup>107</sup>

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<sup>104</sup> See *CD/PV.487*.

<sup>105</sup> See *CD/PV.514*.

<sup>106</sup> See Chapters IV and V of this thesis.

<sup>107</sup> See *CD/PV.343*.

While the above statement echoes the rhetoric of other revolutionary anti-Western states, like those states Iran almost always suggested remedies based on the mechanisms and procedures set by the United Nations. In this respect, Iran's post-revolutionary foreign policy has never completely departed from "normal state behaviour", and has demonstrated the truth of the comment that "The Iranian world view is neither purely Islamic nor a totally novel phenomenon in Third World intellectual trends".<sup>108</sup>

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<sup>108</sup> *Iran and the World, op.cit.*, p.5. For example, with regard to the role of the Conference on Disarmament in addressing pertinent issues, the Iranian delegate commented "Resumption of serious negotiations with respect to the items nuclear test-ban, prevention of nuclear war and cessation of the nuclear arms race and nuclear disarmament was the least that this single multilateral negotiating Conference on Disarmament could achieve in order to bring some comfort to the real concerns and worries of the world community". *CD/PV.286*.

## Chapter IX

### Summary and Conclusion

#### Summary

Part I of this dissertation, after a concise account of how Persia evolved into Iran, examined Iran's relations with the United Nations in the early years of the world body's existence. In particular it looked at the Tehran government's successful use of the UN as a forum for advancing its own foreign policy, despite pressures from the big powers.

Part II studied in greater detail the development of Iranian foreign policy during and since the Islamic Revolution, with special attention to such milestone events as the holding of hostages in the US Embassy and the Iran-Iraq War. Issues such as Human Rights and Disarmament in the context of the United Nations were also examined for their salience to Islamic Iran's foreign policy and international relations.

The Islamic Revolution and the downfall of the Shah's regime brought about an entirely new foreign policy in regard to the major powers. But whereas the old oil-based economic ties with the United States were severed, Iran in no way swung over to dependence on or alliance with the Soviet Union. In the halls of the UN, Iran continued to pursue its own independent Islamic line, regardless of the continuing polarisation of the Cold War.

The Iranian revolution showed the world a new resurgent Islam, which alarmed not only the United States – fearing a serious imbalance of power in the oil-rich Middle East – but also Iran's immediate neighbours in the Gulf region. Tehran's single-minded pursuit of its goal of basing its policies on "pure" Islam had the effect of finally rejecting all foreign interference and domination, but also tended to isolate the country.

Iran's outright support of what the outside world saw as terrorism and subversion inevitably had a negative effect on other Muslim countries of the region, but also on attitudes at the United Nations. Iran considered it was being discriminated against when its nationals were proposed for

high office in the UN system and were invariably rejected.

The issue of human rights, which had hardly ever been raised while the Shah was the autocratic ruler of Iran, came into much greater prominence after the Islamic revolution, and was deployed via the UN by the opponents of the new regime as an instrument of international politics and as a weapon to attack the Tehran regime.

Considering that one of the major grievances the revolution in Iran set out to redress was the question of human rights, any outside interference in this sphere was seen by the leadership as an attempt to undermine the revolutionary government. In this respect Iranian diplomats and delegates to the UN felt that the issue of Human Rights should be considered as falling within Article 2, Section 7, of the UN Charter, which meant that the matter was essentially one of domestic jurisdiction and therefore prevented the UN from intervening. However, events like the arbitrary detention of American Embassy personnel (the hostage crisis), and the summary execution and detention without trial of those suspected of having links with the previous regime put Iran under the scrutiny of the United Nations' human rights proponents. In addition, news reports in the international media of sensationalised and literal versions of declarations made by the revolution's leadership about the pre-eminence of the Islamic code over international/Western social and civil codes, strengthened the hand of those who advocated moves to "broaden human rights internationalism" by reducing the "prominence imputed to the domestic sphere".<sup>1</sup>

Policy-makers in Tehran viewed any move to monitor or set international standards for human rights as interference in Iran's domestic affairs and as a form of imperialism. They did not agree with those governments and non-governmental organisations – wielding considerable power within the Commission on Human Rights – which held that reliance on traditional and religious norms had proved inadequate in protecting basic human rights. When the Commission appointed a Special Representative to study and report on the human rights situation, Iran refused to co-operate. It perceived the move as part of an international conspiracy designed to undermine

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<sup>1</sup> See Julian R. Friedman, "Human Rights Internationalism: A Tentative Critique", in Jack L. Nelson and Vera M. Green (eds.), *International Human Rights: Contemporary Issues*, New Jersey, Human Rights Publishing Group, 1980, p.29.

its revolution and its national integrity. However, following the successful role the UN played in bringing the Iran-Iraq war to a close, policy-makers in Tehran decided to end almost a decade of non-cooperation with the Commission on Human Rights and invited the Special Representative to visit the country in November 1989, to assess the human rights situation at first hand. While this move was welcomed by the United Nations and restored the confidence of many governments in the Islamic Republic, the fact that the Special Representative to this date has not recommended in his reports to the Commission that his mandate be brought to an end, was and continues to be a source of irritation to Tehran.

Another complaint made by the Tehran government against the United Nations was the refusal of the latter to recognise Iraq as the aggressor and hence as the state which started the Iran-Iraq War. It felt that the world body had turned a blind eye on proof that Iraq was using chemical weapons not only against Iranian soldiers and civilians but also against its own citizens. It may be asked at this juncture what kept Iran from terminating its membership in the world body? To answer this question it is important to understand that, although the leaders in Iran remained uncompromising in their belief that Islam is the only just basis for conducting international relations, their acceptance of secular institutions like the UN is based on the need to avail themselves of the facilities offered by the organisation. Over the years the UN has become a universal meeting-point for the conduct of 'old diplomacy, open diplomacy and quiet diplomacy'.<sup>2</sup> In this respect Iran, through discussion and cooperation, argument and disagreement conducted its international relations along lines that were probably not all that alien to members of the world body. In common with many other countries, Iran – while unwilling to surrender its sovereignty to the world body – nevertheless found the UN a useful place to air ideas and beliefs and make contact with other governments.

Clive Archer, in his examination of international organisations, sees the role of the UN

- (i) as an instrument for bringing about foreign policy objectives;

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<sup>2</sup> G.R. Berridge and A. Jennings (eds.), *Diplomacy at the UN*, Leicester University, Macmillan Press, 1985. See chapters 6 and 11.

- (ii) as a forum in which governments interact; and
- (iii) as an independent actor.

He further sees the above three roles as being synonymous with different periods of the organisation's life. For example, he considers the role of the UN as a foreign policy instrument as being dominant in the late 1940s and early 1950s, the role as a forum developer since the 1950s, when the UN saw a surge in its membership from newly independent states, while the UN as independent actor becoming explicit during Hammarskjold's term as Secretary-General and his handling of the Congo Crisis.<sup>3</sup> Although Archer offers no additional roles beyond this point, the three roles he put forward are useful in explaining how the world body and its charter form an integral part of the foreign policy processes of its member states.

Iran's eight-year-long war with Iraq (Chapter VII) was the most profound factor to influence its post-revolution foreign policy process. The degree of UN involvement, especially that of the Secretariat under Perez de Cuellar, revived the image of the UN as an independent actor in a stronger but more benevolent sense. One author, describing the diplomatic prowess of Perez de Cuellar, notes that:

"If the new Secretary-General showed his mettle early on by critical observations on the attitude to the UN of the bigger powers *in general*, he was nevertheless careful to interpret his brief judiciously, and therefore not count the risk of giving serious offence to them individually – the fate which had befallen both Trygve Lie and the 'high and splendid' Hammarskjold."<sup>4</sup>

In this context the shift of negotiations concerning the Iran-Iraq War from the Security Council to the Secretariat signified something of a victory for policy-makers in Tehran and enhanced the role of the Secretary-General in the resolution of dangerous disputes. While the reasons for this are not obvious, interviews with Iranian diplomats who served at the UN headquarters in New York seem to suggest the following: before Perez de Cuellar took office and showed a certain sincerity in searching for a just solution to bringing the Iran-Iraq war to an early conclusion, policy-makers in Tehran feared that the scope of future negotiations would remain within

<sup>3</sup> Clive Archer, *International Organisations*, London, George Allen and Unwin, 1983, p.130-152.

<sup>4</sup> G.R. Berridge, *Return to the UN: UN diplomacy in regional conflicts*, London, Macmillan, 1991, p.15.

the Security Council, which until then had failed to recognise Iraq's aggression. Perez de Cuellar's candid observations on the various shortcomings of the Security Council, and his recommendations in his first report which called for Council procedures to be streamlined so that it could act more "swiftly and decisively in crises",<sup>5</sup> revealed him to be a harbinger of change. Other factors, like Perez de Cuellar's admission that he could not dissociate himself from his origins, i.e. from a developing country – and that he would strive to find a solution to the problem of international peace and security,<sup>6</sup> caused a former First Secretary of Iran's Permanent Mission at the UN in New York to remark: "His was the only office we could trust in dealing with the matter [the Iran-Iraq War] impartially".<sup>7</sup> In a sense, the policy-makers in Tehran felt they had found a legitimate counter-weight in the personage of the Secretary-General and his office to balance the one-sided nature of deliberations and resolutions emanating from the Security Council with regard to the ongoing conflict. The Secretary-General, whether personally or through a special representative or a team of specialists, also acted as a conduit through which Iran could communicate with those parties with which it had no diplomatic links.

Policy-makers in Tehran also welcomed the involvement of the Secretary-General in the mediation activities because it brought out the conflicting perceptions which exist between different governments and different groups of governments regarding the role of the United Nations in international politics. While most industrialised countries have tended to see the UN as the guardian of the *status quo*, the developing world has been inclined to look upon it as the agent of change. In addition the five permanent members of the Security Council, whose votes are crucial in the selection of the Secretary-General, have usually been reluctant to accept too much political independence in the Secretary-General, especially if his views and actions seemed likely to be at variance with their policies on a particular issue.<sup>8</sup>

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<sup>5</sup> "Report of the Secretary General on the Work of the Organisation", *Yearbook of the United Nations*, New York, United Nations, vol. 36, 1982, pp.3-8.

<sup>6</sup> See *UN Chronicle*, vol.XIX, February 1982, p.6.

<sup>7</sup> Interview conducted in Tehran in October 1990.

<sup>8</sup> See Brian Urquhart and Erskine Childers, *A World in Need of Leadership: Tomorrow's United Nations*, Dag Hammarskjöld Foundation, Uppsala, Sweden, 1990, p.17. The study was made possible by the Ford Foundation and the Dag Hammarskjöld Foundation.

This division of views was also acknowledged by Khomeini, albeit in different terms, and forms an important part of Islamic Iran's world view. According to Khomeini, the first division of the world into two camps is along the lines of power: "those countries and peoples who have power and use it to dominate and exploit others - namely the 'arrogant' or 'oppressors' (Mustakbarin); and those who lack power and are exploited and oppressed - namely, the 'downtrodden' or the 'oppressed' the (Mustazafin)". In the international political context, "the oppressor/arrogant camp consists of the two superpowers and their allies, while the camps of the oppressed/downtrodden are comprised of the Muslim countries and most of the Third World".<sup>9</sup>

A second division, according to Khomeini, is along ideological lines: "those countries that follow the United States' capitalist line - namely, the Western camp; and those that followed the Soviet Union's socialist line - namely the Eastern camp."<sup>10</sup> Khomeini believed that "true non-alignment" was the only viable path and that Iran had reached this stage by adhering to the principles of Islam, often at great material cost. (Chapter IV of this thesis covers Iran's approach to non-alignment and the ambiguities this has caused in foreign policy formulation).

Following from the pattern of events and the decisions taken by the policy-makers in Tehran during the war years (see Chapter VII of this dissertation), it becomes clear that, whatever ideological considerations are attributed to Iran's foreign policy-making, these were primarily underpinned by questions of national interest. In this context, the decision to use the good offices of the Secretary-General to facilitate a ceasefire in accordance with Security Council Resolution 598 superseded the wishes of the more radical quarters of the Iranian clergy who were adamant that the war should continue. In other words, a war which was being continued on religious/ideological grounds and which, at its later stages was drawing in the powerful US armed forces on the side of Iraq, could not have been resolved without the mechanisms provided by the UN.

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<sup>9</sup> Shireen T. Hunter, *Iran and the World: Continuity in a Revolutionary Decade*, Indianapolis, Indiana University Press, 1990, p.37.

<sup>10</sup> *Ibid.*



Linked to the issues of the Iran-Iraq war, Security Council politics and the involvement of the Secretariat was Iran's role in the Conference on Disarmament (dealt with in Chapter VIII of this dissertation). The Final Document emanating from the First Special Session on Disarmament, held in 1978, designated the Conference as the "single multilateral disarmament negotiating body".<sup>11</sup> Iran is among the original members of the Conference, which includes the five nuclear weapon states, who are also the permanent members of the Security Council. The formation of the Conference and the start of its new mandate coincided with the establishment of the new Islamic government in Iran, and in this context the latter changed the way disarmament and security were viewed in one of the most strategic regions of the world. After the revolution Iran opted out of the United States led military alliance (CENTO), which was primarily responsible for maintaining stability in the Middle and Near Eastern regions, particularly the Persian Gulf. This meant that the concept of security had to be rethought by policy-makers in Washington.<sup>12</sup> The Soviet Union's invasion of Afghanistan during this period further threw US security planning into confusion, leading US policy-makers to conclude that increased military presence in the area was the only viable option to safeguard their vital national interests in the region.

After the upheavals of 1979 which saw the demise of the Pahlavi monarchy, the Islamic government unilaterally disengaged itself from all regional security functions and called for the formation of new security arrangements devoid of the presence of the United States or for that matter of the Soviet Union. To show its good faith and prove that it was committed to peace in the region, Iran cancelled large consignments of arms and military spare parts which were to

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<sup>11</sup> See Annex I of Chapter VIII for the Final Document of the First Special Session on Disarmament (SSOD-I).

<sup>12</sup> In the words of one analyst "The major casualty of the Iranian revolution was the Nixon Doctrine, not only as the operational mode of US policy in the Persian Gulf region, but also as a credible geopolitical doctrine. This was the result, firstly of the concern over the alleged 'excesses' perpetrated in the name of the Doctrine by successive US governments, particularly its uncritical backing of the Shah's authoritarian regime and largely unrestrained arms transfers to it and the contributions of these excesses to the ultimate overthrow of the Shah. A second, and more significant, factor was a perceived contradiction within the doctrine over the way it operated – a contradiction between the objectives of the doctrine and the reality of its operation, between US perceptions of the Shah's role within this policy framework and Iranian public perceptions of such a role ... While the USA found it difficult to influence the Shah's domestic style, the majority of Iranian people viewed him as an American puppet, faithfully executing orders from his Washington superiors at the cost of Iranian pride and national interest". Quoting a former National Security Council member, the author concludes that for the USA "The Iranian Revolution ... brought home the futility of trying to depend on surrogates to look after the vital interests of the United States", adding that "The emphasis has shifted to being in a position to defend our interests by ourselves". Amitav Acharya, "The Rapid Deployment Force and the Military Build Up in the Persian Gulf Region: A Critical Perspective", *Australian Outlook*, vol.32, no.2, August 1984, p.90.

arrive from the United States a decision which was deeply regretted by Tehran with the onset of the war with Iraq. The situation from a Western strategic point of view, was that:

"While Iran's limited but meaningful policeman role was lost, the revolution was thought to signal the shape of things to come. This fear was aggravated in the minds of the Sheikhs and kings of the Gulf states by Iran's calls for 'exporting' its revolution - calls made at a time when the credibility of the USA as a reliable protector was at its lowest ebb".<sup>13</sup>

The onset of the Iran-Iraq war proved to be a relief for the Persian Gulf states and the United States, because it reduced the propensity of Iran's revolutionary forces to export the revolution. The threat of the spread of revolutionary Islam was considered to be so great that, even after a sustained campaign of chemical attacks carried out by Iraq against Iranian civilians and soldiers, the Security Council did not act in any concerted manner to stop Iraq from deploying those weapons (see Chapter VIII). There was no joint condemnation of Iraq for that activity from the Conference, even though Iraq's actions grossly violated the 1925 Geneva Protocol. The Iranian delegates to the Conference responded to the above with a mixture of angry rhetoric and of recommendations about how the international community could monitor and prevent Iraq from deploying deadly chemical weapons. Disappointed that political necessity took precedence over international law in the deliberations of the Conference on Disarmament, Iran's Foreign Minister Ali Akbar Velayati lay the blame for the lack of consensus in condemning Iraq on those states which "had secured their arms markets at the cost of creating and sustaining tensions of the worst kind in the region". He added that "striving against the merchants of death" should be an important priority on the agenda of the Conference.<sup>14</sup>

In 1986, following the circulation of a detailed report prepared by a second visiting team of UN specialists (February 26 to March 3, 1986) which confirmed that Iraq had used chemical weapons against Iranian civilians and forces,<sup>15</sup> Foreign Minister Velayati recommended that the Conference on Disarmament in seeking the co-operation of the United Nations should implement the following: first, re-condemn the use of chemical weapons as a "war crime", second,

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<sup>13</sup> *Ibid.*

<sup>14</sup> See CD/Pv.308. (Documents pertaining to the United Nations Conference on Disarmament).

<sup>15</sup> Report filed as *UNDoc.*, S/17911.

investigate who were the suppliers of chemical weapons and substances to Iraq, third, impose a total ban on the exportation to Iraq of chemical substances and related technology which could be used to manufacture chemical weapons, fourth, undertake the dispatch of an investigation team by the Secretary General whenever demanded by Iran at the earliest possible date, fifth, call on all countries to once again announce their commitment to the 1925 Geneva Protocol which had been weakened by Iraq, and sixth, make a direct call on Iraq to commit itself not to repeat the use of chemical weapons.<sup>16</sup>

Other aspects of Iran's diplomacy within the Conference on Disarmament may be found in the stance it adopted on nuclear issues, namely on assurances to non-nuclear weapon states, nuclear non-proliferation and the question of the Comprehensive Test Ban Treaty. In this context it may be mentioned that while Iran vehemently opposes the proliferation of nuclear weapons and continues to be a signatory to the Nuclear Non-Proliferation Treaty, its own nuclear programme has achieved much international attention, especially in the post-Iran Iraq war period. Although Iran has continually defended its right to exploit atoms for peaceful purposes, reports that "the two main centers of radical military nuclear development are Iran and North Korea",<sup>17</sup> have put Iran's nuclear industry under greater international scrutiny.

Iran, which in the early years had both supported the UN and used its processes in support of its foreign policies, went through a phase of total dissatisfaction with the world body, in particular its failure to settle serious international disputes in an impartial manner. Nevertheless, Iran did reaffirm its faith in the goals of the Conference on Disarmament. In so doing, Iran demonstrated once again that, despite all the rebuffs it had received from the world body in recent years, it still sees the UN as an essential forum for international debate, as a vehicle for restating to the outside world Tehran's Islamic goals and, in the long-term, as a useful avenue for pursuing Iranian foreign policy.

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<sup>16</sup> See CD/IPv.379.

<sup>17</sup> Yossef Bodansky, 'Radical States and Nuclear Proliferation: Racing to the finish', in *Defense and Foreign Affairs Strategic Policy*, winter 1991-1992, p.10.

## Conclusion

Having examined the pertinent issues which governed Iran's post-revolution foreign policy in the United Nations, the conclusions which this dissertation arrives at can be divided into two parts. Firstly, those of a general nature, i.e. the criteria which determined the orientation of Iran's post-revolution foreign policy. Secondly, an assessment of the future of Iran's foreign policy with emphasis on how revolutionary a path can Iran hope to take, especially since the leadership is committed to restoring a certain normalcy to the conduct of her foreign relations. Normalcy cannot be taken to mean a separation of Islam and politics, nor a transformation of Iranian society into one resembling a liberal democracy. It can be understood to mean a growing trend by the policy-makers of that country to put more faith in secular institutions like the United Nations to solve problems and achieve set foreign policy goals. As the various chapters of this dissertation indicate, Iran has not lost its use of international organisations and if anything has emerged after a decade of turmoil and strife to play an important role with respect to issues facing the region and beyond.

With regards to the first set of conclusions, it would not be wrong to state that the orientation of Iran's foreign policy is based on issues directly affecting its national interests; these in turn are determined by certain specific criteria, which can be regarded as guiding principles which govern the making of post-revolution Iran's foreign policy.

For example, one of the most important guiding principles of the revolutionary government was its rigid stance on independence. The principle of "Neither East nor West," while signifying the nascent regime's complete break with the United States, also came to mean that only an independent Iran could keep Islam pure and vice-versa (only a pure Islam could keep Iran independent). In practice too, Iran went to great lengths to implement this principle of independence. For example, in the period after the revolutionary government was formed, it was announced that Iran's first priority would be to pay off its national debt, and this it did after great sacrifice.

The active component of Iran's "Neither East nor West" policy was most clearly demonstrated in its approach to the already existing concept of non-alignment. If non-alignment had hitherto projected a philosophy of passive resistance to superpower politics, leaders in Iran involved themselves in the movement – seeing it rather as a platform for direct confrontation with the superpowers. In this context the Prime Minister of Iran, Hussein Musavi commented that many countries and peoples "regard the Islamic Revolution [Iranian revolution] as a historical experience and a model for revolt against western and eastern imperialists."<sup>18</sup> (See Section III.1 of Chapter IV).

Interrelated with the above principle, another criterion which determined the orientation of Iran's foreign policy was the requirement to ensure the survival of the Islamic Republic. The extent to which the revolutionary regime was prepared to go to fulfill this principle is illustrated by its dependence on ideology in matters of domestic and foreign policy, and by the enormous costs the revolution and war exacted from the Iranian society. From eliminating internal opposition – and bearing the brunt of being ostracised as one of the worst violators of international human rights – to doing deals with its sworn enemies (the United States and Israel) in order to continue to prosecute its war with Iraq, the revolutionary leadership employed all means to safeguard the Islamic Republic. Some authors have remarked in this context that "Buying security, however, does not mean selling out independence or ideology."<sup>19</sup>

The third foreign policy principle that emerges from studies undertaken in the preceding chapters is the promotion of Iran's Islamic ideology as a vehicle for change among oppressed peoples, especially in Muslim countries. While the "export of the revolution" was seen as a real threat by Iran's neighbours and caused apprehension among the superpowers, it gradually came to be regarded as more rhetorical than active. Towards the end of the first revolutionary decade,

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<sup>18</sup> *Kayhan International*, January 16, 1984. Certain specialists on Iranian affairs have stated that "According to the Iranians, the tendency of alignment/non-alignment is the external manifestation of the state of mind of a given ruling elite ... true non-alignment is possible only when the thought process of the people and leaders is completely emancipated from political oppression, economic exploitation, cultural manipulation, mental slavery and all other causes of fear and alienation". From the Islamic perspective this is only possible when "one is subservient only to God and to no other power on earth". See A.H.H. Abidi, "Revolutionary Iran's Perception of Non-Alignment and the Non-Aligned Movement, *Non-Aligned World*, vol.2, no.3, 1984, p.351.

<sup>19</sup> Henry Precht, "Ayatollah Realpolitik", *Foreign Policy*, no.70, Spring 1988, p.114.

particularly in the aftermath of the Haj Tragedy (July 1987, when Saudi security forces in Mecca shot and killed Iranian pilgrims), the Iranian Speaker publicly acknowledged that there existed serious differences among the world congregation of Muslims (ummah), especially along political and religious lines. This led Iranian leaders to explain that in the future the revolution's universal aims were to be achieved by setting a superior example and not by its active involvement in the affairs of other countries. The only visible exception to this declaration is the Lebanon, where Tehran continues to exert considerable influence and is actively involved.

The external threat which the regime has faced in the last decade has necessitated the use of symbolism and ideology in foreign policy. This however did not mean that pressing geopolitical concerns would always be cloaked by symbolism and ideology. For example, although the Islamic governments' expectations of the United Nations have changed since Iran was first invited to participate in the San Francisco Conference to prepare the UN Charter in 1945, then as now, Iran's "focal objective" has been "how to preserve its integrity and independence, international life and international relations ..." Towards this end Iran saw the reason of the existence of the world body as being mainly political, i.e. "to maintain the peace and security of the world through political as well as legal means." (See Section III of Chapter II). More recently however, during the Iran-Iraq war, Iranian academics have criticised the UN Security Council for having failed to denounce Iraq's aggression. In their opinion, this was mainly due to the overt political nature of the Council which prevented it from fulfilling its legal role, specifically the maintenance of international peace and security.

In another respect, ideological and geopolitical concerns worked almost in tandem. The Iranian leadership's original objective of winning the war with Iraq, i.e. to punish and remove the aggressor, was probably seen by policy-makers in Tehran as a solution to something the Shah thought he had achieved by signing the 1975 Algiers Accord and through military deterrence, namely security along the western border of Iran. Destroying the un-Islamic regime of Saddam Hussein and liberating the Muslims of Iraq, and even marching on towards Jerusalem were the main ideological themes used towards achieving this goal. Indeed, the policy of non-compromise

which Tehran adopted with regard to Khomeini's original war aims – Iraq's withdrawal from Iranian territory, reparations, and the removal of Saddam Hussein – were not even partially fulfilled when Iran decided to accept UN Security Council resolution 598, which formally ended the conflict. Some authors have put forward the hypothesis that resolution 598 signalled that:

"Iran's world view had completed a cyclical reversal – from the revisionist dream to shape the Gulf along Islamic lines to acquiescence in the status quo established by the Shah in the mid-1970s."<sup>20</sup>

It is ironic that certain of Iran's war aims were satisfied two years later, when Iraq – in the aftermath of its invasion of Kuwait on 2 August, 1990 – decided to return almost 2,000 sq/km of Iranian territory which it had occupied and sent almost 100 sophisticated aircraft to Iran for safe keeping during the Gulf War, aircraft which Iran has since claimed as its own in partial fulfilment of war reparations. Despite the foregoing argument that Iran had to abandon its "revisionist dream", it is clear that Tehran will continue to influence the Shia's in Iraq and to seek the removal of Saddam Hussein. This will help the present regime to justify the huge investments of blood and fervour over the last decade and may even be the precursor for a real peace in the region.

### **Revolution and Pragmatism in Foreign Policy**

The second part of the conclusion, while addressing the larger question of the future direction of Iranian foreign policy and the extent to which it can be considered revolutionary, will show that pursuit of Islamic goals is not immune to cost-benefit calculations. In fact, in the turmoil after the revolution and the formation of an Islamic government – Iran's external affairs have been characterised by greater stability than its internal affairs. The main reason for this has been the high degree of pragmatism which policy-makers in Tehran have employed in the area of foreign policy. In turn, this can be attributed to the need for realistic decision-making in an international environment which was far from hospitable to the new regime's world view.

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<sup>20</sup> Efraim Karsh, "From Ideological Zeal to Geopolitical Realism: The Islamic Republic and the Gulf" in Efraim Karsh (ed.), *The Iran, Iraq War: Impact and Implications*, London, Macmillan in association with the Jaffee Center for Strategic Studies, Tel-Aviv, 1989, p.27.

It has often been remarked that Iranian foreign policy is violently reactionary, and it is easy to understand how this opinion was formed. Foreign policy is the area where the unity of Iran's political leadership has been most severely tested. In the early part of the revolutionary decade, just during the period when power was coming to rest exclusively in the hands of those loyal to Ayatollah Khomeini, various revolutionary factions vied to influence foreign policy. To be heard in those days, it was often necessary to adopt as radical a stance as possible on issues, without endangering the ideological foundations of the Islamic Republic. This caused the "official-unofficial division in the foreign policy making process". With the benefit of hindsight, it is now known that many acts of random violence attributed to the Iranian government actually originated from individuals or groups having no links with the government.

In spite of being considered revolutionary and hence dangerous, Iran's foreign policy towards her neighbours and other states is seen on closer examination to demonstrate a degree of pragmatism, especially in the latter half of the revolutionary decade. For example, Iran's relations with Turkey and Pakistan, two predominantly Muslim countries with non-Islamic governments did not suffer. Apart from occasionally reminding them of their obligations and duties as Muslim countries, Iran considered both countries as friends and overlooked many factors which otherwise should have disallowed the relationship. Turkey's state philosophy of purging the religious element from politics (started during the reforms implemented by Mustafa Kemal Ataturk) and Pakistan's close association with the United States were not as important to policy-makers in Iran as the fact that both countries were important economic allies. Moreover Pakistan was a useful diplomatic ally (for President Zia-ul-Haq's early attempts at pleading Iran's case at the onset of the war, see Section II of Chapter VII), and in later years a supplier of technology (see Section II.3 of Chapter VIII) to Iran's nuclear programme. Turkey on the other hand, while being a major trading partner of Iran was also the principal link to the occident.

Iran's policy towards Afghanistan was closely linked to its Soviet policy. This involved a delicate balancing act on the part of Tehran, which while unequivocally condemning the Soviet invasion of the "Muslim nation of Afghanistan" (which it saw as the greatest pretext for the



American presence in the Persian Gulf region, see Section III.1 of Chapter V) was careful not to antagonise its northern neighbour, aware that it could lose valuable support in situations involving direct confrontation with the United States and her allies. It has been observed in this context that, although Iran had a choice of enlisting Soviet support to balance the Western support for Iraq by remaining silent on the situation in Afghanistan, it chose not to do so – realising that this would do irreparable damage to its Islamic credentials and undermine the foremost guiding principle of its foreign policy, i.e. strict non-alignment.

However, when it came to making a choice while facing a situation that was perceived as threatening to jeopardise the very survival of the Islamic Republic, brought about by the activities of the Iranian communist party TUDEH, Tehran acted with great alacrity – smashing and outlawing the party in 1983, and expelling 18 Soviet diplomats which it accused of complicity. Although this incident did not prevent Iran from entering into agreements with the Soviet Union in 1986 and 1987 on oil and gas exploration and the reopening of a gas pipeline, Tehran remained suspicious of Moscow's intentions until changes took place in Soviet policy on a number of issues important to Iran, such as Afghanistan and the Iran-Iraq War.<sup>21</sup>

Iran's attitude towards the Persian Gulf states was conditioned by their aid to Iraq during the war, their manoeuvrings in OPEC and their close military co-operation with the United States. Any ideological considerations were quickly overridden by these issues, once Tehran realised the difficulty of exporting the revolution to these societies (some of which had sizeable Shia populations, like Bahrain and Kuwait). In 1981 when the Gulf sheikhdoms created the Gulf Co-operation Council (GCC), this was viewed from Tehran as being an "anti-Iranian military pact" formed to isolate Iran from the economic and political life of the Persian Gulf region. Iran also saw the GCC as a "cover for the expansion of Saudi influence" in the region, and ultimately as "an instrument of US policy in the Persian Gulf, much the way radical Arabs viewed Iran under

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<sup>21</sup> "What is important in these new Soviet-Iranian relations is that this policy had the blessing of the Ayatollah Khomeini, who met with Soviet Foreign Minister Edward Shevardnadze in February 1989, and thus closer relations cannot be challenged as being against his wishes. Even Rafsanjani, despite his earlier misgivings, had to regularise his relations with Moscow by visiting the Soviet Union in June 1989 shortly after Khomeini's death". Shireen T. Hunter, "Post-Khomeini Iran", *Foreign Affairs*, vol.68, no.5, Winter 1989-90, p.143.

the Shah".<sup>22</sup> By the end of the Iran-Iraq war and more recently after Iraq's aggression against Kuwait, policy-makers in Iran were able to dictate their terms for improving relationships in various fields from an acquired moral high ground.

Iran's relations with the United States have been the most contentious issue facing policy-makers right from the conception of the Islamic Republic. The hand of the "Great Satan" is seen by policy-makers in Tehran to influence every aspect of world politics; and although various leaders including Ayatollah Khamenei have not ruled out an opening of diplomatic relations with the United States on a new basis of respect by the latter for Iran's revolution and Islamic identity, no constructive moves towards this end have yet materialised. Remoulding a relationship may prove more difficult for Tehran, given that it would challenge its very world view – that the world is divided into those who follow the path of God and belief, and those who follow the path of Satan and disbelief.

In the United States too there seems to be a reluctance to deal with the Islamic Government; this was true even in the post-Khomeini period when Washington was exerting all possible influence to seek the release of Western hostages. It was clearly demonstrated when a petition signed by 186 members of the US Congress on 7 September, 1989 advised the United States to support the Iranian opposition rather than accept the word of those in power.<sup>23</sup> This resolution was discussed widely in the Iranian media and strengthened the arguments of the opponents of improved US-Iranian relations, reinforcing the belief that the Americans were a truly arrogant lot.

Before the onset of the Gulf War in 1991, the basic US attitude was that, because the Cold War had ended, Iran was no longer important as it could not be sucked into the Soviet orbit; and if the United States was patient the Iranians would have no choice but to restore relations on American terms. But when Iran stayed away from being involved in the Gulf War and soon thereafter singularly influenced the process by which all the Western hostages were released, the United States was still undecided on how to reciprocate Iran's show of goodwill.

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<sup>22</sup> Quoted in Shireen T. Hunter, *Iran and the World: Continuity in a Revolutionary Decade*, Indianapolis, Indiana University Press, 1990, p.120-121.

<sup>23</sup> "Post-Khomeini Iran", *op.cit.*, p.145.

## Revolution and Democracy

On a closing note it would be in place to examine certain aspects of transforming the world system by a post-revolutionary society and the issue of democracy in a post-revolutionary society. While it is recognised that social upheavals are intended to promote progress, they also often promote destruction. Projected on to the international level post-revolutionary societies adopt policies that at one level maintain and at another level undermine the world system. A post-revolutionary society like Iran maintains the world system, for example, by participating in the work of the United Nations which calls for certain conventions to be followed which in turn reinforce the prevailing order. Yet by harbouring the potential for launching revolution in other countries, and by offering evidence that an alternative order is a viable option, post-revolutionary societies like Iran always threaten to undermine the world system. If this alternative order were to bring about change (not necessarily replicate itself) in several countries, mutually reinforcing each other, it is possible that the world system as it exists might face transformation.<sup>24</sup>

Another aspect which is pertinent to post-revolutionary Iran is the question of democracy. Academic and religious circles in Iran frequently discuss what kind of democracy would suit them best. Given Iran's decade-long experience with Islamic government, it is hard to imagine the growth of a liberal democracy. At present it would not be wrong to say that what exists in Iran is an authoritarian democracy; while ensuring a large measure of political control, this often results in repression and betrays the egalitarian promise of the revolution. Participatory democracy, while conforming to the Islamic ideal (the principle of Shura or Consultation), remains unviable in a post-revolutionary society like Iran mainly because of a combination of internal and external pressures. Hence, in the words of one author:

"If the short-run dilemma facing post-revolutionary societies is to gauge the trade-offs between competing models of democracy, the long-run challenge is to devise novel forms of political and economic democracy suitable for local conditions."<sup>25</sup>

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<sup>24</sup> Similar arguments have been put forward by Fred Halliday, "Revolutions and International Relations: Some Theoretical Issues", (paper presented to the annual meeting of the International Studies Association and the British International Studies Association, London, 29 March to 1 April 1989).

<sup>25</sup> James H. Mittelman, "The Dilemmas of Reform in Post-Revolutionary Societies", *International Studies Notes* (of *The International Studies Association*), vol.15, no.2, spring 1990, p.69.

Historically, Islam's confrontations with other civilisations produced an enhancement of its power and glory. But in modern times the outcome has been otherwise. This can be mainly attributed to the loss of the creative capacity which enabled Muslims to blend with other cultures. It can only be hoped that, with the development of new patterns of authority in Muslim countries, this creative spirit will be re-instilled.

## **Chapter VI – Annex I**

# **Proposed Bill of Human Rights in Islam**

*Quoted from Abrar newspaper, Dec. 30, 1989, page 9*

Believing that in Islam, fundamental rights and freedoms are indispensable parts of the religion and that no one has the right to violate these liberties whether in specific cases or in general and that no one can suppress or ignore them, for these rights are infallible decrees of God contained in the Holy Book and sent to man through the last prophet,...

Members of the Islamic Conference Organization declare the following:

All human beings are equal in their status, esteem, principal duties, etc., without having any distinction on the basis of race, color, language, sex, nationality, political beliefs, social status and other considerations.

The right to life is guaranteed for every human being. It is mandatory for the peoples of all societies and governments to defend this right against being violated. Taking a human life is prohibited unless it is done according to Islamic Shari'a.

Resorting to any method resulting in massacre, either in a general form in a specific case is prohibited.

Safeguarding the lives of human beings in accordance to the will of God and on the basis of Islamic Shari'a is a duty.

In war or in armed confrontations, the murder of those not involved in the conflict, such as aged men, women and children, as well as dismembering the bodies are not permissible. The wounded have the right to be cared for.

Any human being has the right to defend his reputation during his lifetime and after passing away. The government and society will defend his corpse and tomb against desecrations.

Women are equal with men. Women are equal with men in their human status and enjoy special rights in using them and in performing their duties. Women also enjoy civil rights and financial independence as well as the right to keep their names and that of their forefathers.

Parents have the right to determine their children's education on the condition that they consider the interests and future of their children on the basis of values and ethical principles of Islamic Shari'a.

Since human beings instinctively follow Islam, no one should be forced to change his religion.

Man is born free and no one has the right to humiliate, suppress, or exploit him. Subservience to anyone but God is prohibited.

Any person, within the framework of Islamic Shari'a, has the right to free travel, choosing of residence inside or outside his country. If sought by law, he is allowed to seek asylum for his well-being.

Confiscation of property is not allowed unless in cases where public interest is served.

Any person is entitled to safe and secure conditions for himself, his relatives and his property.

Anyone has the right to be free in conducting personal matters at home and among his family, as well as in dealing with his property. Spying, surveillance and tarnishing the names of individuals is not allowed and according to Islamic Shari'a, the government must offer protection from arbitrary interference.

The home of individuals are immune from breach of privacy at all times. Personal residence must not be destroyed or confiscated. The residents must not in any way be evicted illegally and no one must enter the residence without permission to do so.

The individual under arrest is considered innocent until his guilt is proven in a fair trial where he is given every guarantee to defend himself.

Arrests without legal and religious reasons, limiting the freedom of an individual, forcing him into exile and punishment are not allowed. Any kind of physical and psychological torture, any mistreatment or insult is prohibited.

Hostage—taking as a means of blackmail or pressuring anyone to surrender is not allowed.

Every individual enjoys freedom of conscience and expression through any means in the context of the principles of Shari'a.

Provocation of ethnic, racial and nationalistic enmity or any act resulting in any form of racial discrimination is not allowed.

Resorting to Law is the right of all citizens.

Freedom in society is the prerequisite for the guarantee of fundamental human rights. Any misuse or taking advantage of it is absolutely prohibited.

## **Chapter VII – Annex I**



# United Nations Resolutions on the Iraq-Iran War

## Decisions

On 23 September 1980, the president of the Council issues the following statement:

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.

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.

At its 2247th meeting, on 26 September 1980, the Council decided to invite the representative of Iraq to participate, without vote, in the discussion of the item entitled "the situation between Iran and Iraq".

At its 2248th meeting on 28 September 1980, the Council decided to invite the representative of Japan to participate, without vote, in the discussion of the question.

### (1) Resolution 479 of 28 September 1980

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 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 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.

Adopted unanimously at the 2248th meeting.

**(2) Resolution 514 (1982) Adopted by the Security Council at its 2383rd meeting on 12 July 1982**

The Security Council,

Having considered again the question entitled "The situation between Iran and Iraq".

Deeply concerned about the prolongation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage, and endangering peace and security.

Recalling the provisions of Article 2 of the Charter of the United Nations, and that the establishment of peace and security in the region requires strict adherence to these provisions.

Recalling that by virtue of Article 24 of the Charter the Security Council has the primary responsibility for maintenance of international peace and security.

Recalling its resolution 479 (1980), adopted unanimously on 28 September 1980, as well as the statement of its President of 5 November 1980 (S/14244).

Taking note of the efforts of mediation pursued notably by the Secretary-General of the United Nations and his representative, as well as by the Movement of Non-Aligned Countries and the Organisation of the Islamic Conference.

1. Calls for a cease-fire and an immediate end to all military operations;
2. Calls further for a withdrawal of forces to internationally recognised boundaries;
3. Decides to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal, and requests the Secretary-General to submit to the Council a report on the arrangements required for that purpose;
4. Urges that the mediation efforts to be continued in a coordinated manner through the Secretary-General with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides of all the outstanding issues, on the basis of the principles of the Charter of the United Nations, including respect for sovereignty, independence, territorial integrity and non-interference in the internal affairs of States;
5. Requests all other States to abstain from all actions which could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;
6. Requests the Secretary-General to report to the Security Council within three months on the implementation of this resolution.

**(3) Consequences of the Prolongation of the Armed Conflict between Iran and Iraq**

The General Assembly,

Having considered the item entitled "Consequences of the prolongation of the armed conflict between Iran and Iraq",

Noting the Preamble of the Charter of the United Nations, in which all States expressed their determination to live together in peace with one another as good neighbours.

Reaffirming the principles that no State should acquire or occupy territories by the use of force, that whatever territories had been acquired in this way should be returned, that no act of aggression should be committed against any State, that the territorial integrity and the sovereignty of all States should be respected, that no State should try to interfere or intervene in the internal affairs of other States and that all differences or claims which may exist between States should be settled by peaceful means in order that peaceful relations should prevail among Member States.

Recalling resolutions 479 (1980) of 28 September 1980, 514 (1982) of 12 July 1982 and 522 (1982) of 4 October 1982 on the question entitled "The situation between Iran and Iraq", unanimously adopted by the Security Council.

Further recalling the statements made by the President of the Security Council on 5 November 1980 and 15 July 1982.

Taking note of the report of the Secretary-General of 7 October 1982.

Considering that the Security Council has already called for an immediate ceasefire and an end to all military operations.

Considering further that the prolongation of the conflict constitutes a violation of the obligations of Member States under the Charter.

1. Considers that the conflict between Iran and Iraq and its prolongation and recent escalation, resulting heavy losses in human lives and considerable material damage in a politically and economically strategic region, endanger international peace and security;
2. Affirms the necessity of achieving an immediate cease-fire and withdrawal of forces to internationally recognised boundaries as a preliminary step towards the settlement of the dispute by peaceful means in conformity with the principles of justice and international law;
3. Calls upon all other States to abstain from all actions which could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;
4. Requests the Secretary-General to continue his efforts, in consultation with the parties concerned, with a view to achieving a peaceful settlement.
5. Further requests the Secretary-General to keep Member States informed on the implementation of the present resolution.

41st plenary meeting  
22 October 1982

#### **(4) Co-operation between the United Nations and the Organization of the Islamic Conference**

The General Assembly

Having considered the report of the Secretary-General on co-operation between the United Nations and the Organization of the Islamic Conference.

Recalling its resolution 3369 (XXX) of 10 October 1975, by which it granted observer status to the Organization of the Islamic Conference.

Recalling its resolutions 35/36 of 14 November 1980 and 36/23 of 9 November 1981.

Noting with satisfaction the continued development of co-operation between the United Nations and the Organization of the Islamic Conference.

Noting the strengthening of co-operation between the specialised agencies and other organisations of the United Nations system and the Organisation of the Islamic Conference.

Taking into account the desire of both organisations to co-operate more closely in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonisation, fundamental human rights and the establishment of a new international economic order.

Noting also the signing of co-operation agreements between a number of specialized agencies and the Organisation of the Islamic Conference.

Convinced of the need to strengthen further the cooperation between the United Nations and the Organization of the Islamic Conference.

Noting further the proposals of the Secretary-General.

1. Takes note with satisfaction of the report of the Secretary-General and endorses the proposals contained therein;
2. Requests the United Nations and the Organization of the Islamic Conference to intensify co-operation in their common search for solutions to global problems, such as questions relating to international peace and security, disarmament, self-determination, decolonization, fundamental human rights and the establishment of a new international economic

order;

3. Requests the Secretary-General 'to prepare guidelines based on resolutions of the General Assembly for promoting co-operation with the Organization of the Islamic Conference;
4. Invites the Secretary-General, in consultation with the Secretary-General of the Organization of the Islamic Conference, to organize an annual meeting, beginning in 1983, between the secretariat of the Organization of the Islamic Conference and the secretariats of the United Nations and other organizations concerned within the United Nations system to examine the stage reached in the development of co-operation and to put forward proposals for promoting co-operation with the Organization of the Islamic Conference;
5. Encourages the specialized agencies and other organizations concerned within the United Nations system to continue to expand their co-operation with the Organization of the Islamic Conference, inter alia by negotiating co-operation agreements;
6. Requests the Secretary-General to continue to take steps to strengthen the co-ordination of the activities of the United Nations system in this field with a view to intensifying co-operation between the United Nations and the United Nations system and the Organization of the Islamic Conference;
7. Calls upon the Secretary-General to report to the General Assembly at its thirty-eighth session on the state of co-operation between the United Nations and the Organization of the Islamic Conference;
8. Decides to include in the provisional agenda of its thirty-eighth session the item entitled "Co-operation between the United Nations and the Organization of the Islamic Conference."

41st plenary meeting  
22 October 1982

**(5) Resolution 522(1982) Adopted by the Security Council at its 2399th meeting on 4 October 1982**

The Security Council,

Having considered again the question entitled "The situation between Iran and Iraq,

Deploring the prolongation and the escalation of the conflict between the two countries, resulting in heavy losses of human lives and considerable material damage, and endangering peace and security,

Reaffirming that the restoration of peace and security in the region requires all Member States strictly to comply with their obligations under the Charter of the United Nations,

Recalling its resolution 479 (1980), adopted unanimously on 28 September 1980, as well as the statement of the President of the Council of 5 November 1980 (5/14244),

Further recalling its resolution 514 (1982), adopted unanimously on 12 July 1982 and the statement of the President of the Council of 15 July 1982(5115295),

Taking note of the report of the Secretary-General (5/15293) of 15 July 1982,

1. Urgently calls again for an immediate cease-fire and an end to all military operations;
2. Reaffirms its call for a withdrawal of forces to internationally recognized boundaries;
3. Welcomes the fact that one of the parties has already expressed its readiness to co-operate in the implementation of resolution 514 (1982) and calls upon the other to do likewise;
4. Affirms the necessity of implementing without further delay its decision to dispatch United Nations observers to verify, confirm and supervise the cease-fire and withdrawal;
5. Reaffirms the urgency of the continuation of the current mediation efforts;
6. Reaffirms its request to all other States to abstain from all actions which could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;

7. Further requests the Secretary-General to report to the Council on the implementation of this resolution within 72 hours.

**(6) Resolution 540(1983) Adopted by the Security Council at its 2493rd meeting on 31 October 1983**

The Security Council,

Having considered again the question "The situation between Iran and Iraq,"

Recalling its relevant resolutions and statements which, inter alia, call for a comprehensive cease-fire and an end to all military operations between the parties,

Recalling the report of the Secretary-General of 20 June 1983 (5/15834) on the mission appointed by him to inspect civilian areas in Iran and Iraq which have been subject to military attacks, and expressing its appreciation to the Secretary-General for presenting a factual, balanced and objective account,

Also noting with appreciation and encouragement the assistance and co-operation given to the Secretary-General's mission by the Governments of Iran and Iraq,

Deploring once again the conflict between the two countries, resulting in heavy losses of civilian lives and extensive damage caused to cities, property and economic infrastructures,

Affirming the desirability of an objective examination of the causes of the war,

1. Requests the Secretary-General to continue his mediation efforts with the parties concerned, with a view to achieving a comprehensive, just and honorable settlement acceptable to both sides;
2. Condemns all violations of international humanitarian law, in particular, the provisions of the Geneva Conventions of 1949 in all their aspects, and calls for the immediate cessation of all military operations against civilian targets, including city and residential areas;
3. Affirms the right of free navigation and commerce in international waters, calls on all States to respect this right and also calls upon the belligerents to cease immediately all hostilities in the region of the Gulf, including all sea-lanes, navigable waterways, harbour works, terminals, offshore installations and all ports with direct or indirect access to the sea, and to respect the integrity of the other littoral States;
4. Requests the Secretary-General to consult with the parties concerning ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers, and to submit a report to the Council on the results of these consultations;
5. Calls upon both parties to refrain from any action that may endanger peace and security as well as marine life in the region of the Gulf;
6. Calls once more 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 and, thus, to facilitate the implementation of the present resolution;
7. Requests the Secretary-General to consult with the parties regarding immediate and effective implementation of this resolution.

**(7) Resolution 552(1984) Adopted by the Security Council at its 2546th meeting on 1 June 1984**

The Security Council,

Having considered the letter dated 21 May 1984 from the representatives of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (5/16574) complaining against Iranian attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia,

Noting that Member States pledged to live together in peace with one another as good neighbors in accordance with the United Nations Charter,

Reaffirming the obligations of Member States to the principles and purposes of the United Nations Charter,

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

Taking into consideration the importance of the Gulf region to international peace and security and its vital role to the stability of world economy,

Deeply concerned over the recent attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia,

Convinced that these attacks constitute a threat to the safety and stability of the area and have serious implications for international peace and security,

1. Calls upon all States to respect, in accordance with international law, the right of free navigation;
2. Reaffirms the right of free navigation in international waters and sea lanes for shipping en route to and from all ports and installations of the littoral States that are not parties to the hostilities;
3. Calls upon all States to respect the territorial integrity of the States that are not parties to the hostilities and to exercise the utmost restraint and to refrain from any act which may lead to a further escalation and widening of the conflict;
4. Condemns these recent attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia;
5. Demands that such attacks should cease forthwith and that there should be no interference with ships en route to and from States that are not parties to the hostilities;
6. Decides, in the event of non-compliance with the present resolution, to meet again to consider effective measures that are commensurate with the gravity of the situation in order to ensure the freedom of navigation in the area;
7. Requests the Secretary-General to report on the progress of the implementation of the present resolution;
8. Decides to remain seized of the matter.

#### **Resolution 598 (July 20, 1987)**

The Security Council,

Reaffirming its resolution 582(1986)

Deeply concerned that, despite its calls for a cease-fire, the conflict between Iran and Iraq continues unabated, with further heavy loss of human life and material destruction,

Deploring the initiation and continuation of the conflict,

Deploring also the bombing of purely civilian population centers, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol,

Deeply concerned that further escalation and widening of the conflict may take place,

Determined to bring to an end all military actions between Iran and Iraq,

Convinced that a comprehensive, just, honorable and durable settlement should be achieved between Iran and Iraq,

Recalling the provisions of the Charter of the United Nations and in particular the obligation of all member states to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Determining that there exists a breach of the peace as regards the conflict between Iran and Iraq,

Acting under Articles 39 and 40 of the Charter of the United Nations,

1. Demands that, as a first step toward a negotiated settlement, Iran and Iraq observe an immediate cease-fire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;
2. Requests the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the parties and to submit a report thereon to the Security Council;
3. Urges that prisoners of war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949;
4. Calls upon Iran and Iraq to cooperate with the Secretary General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honorable settlement, acceptable to both sides, of all outstanding issues in accordance with the principles contained in the Charter of the United Nations;
5. Calls upon all other states to exercise the utmost restraint and to refrain from any act which may lead to further escalation and widening of the conflict and thus to facilitate the implementation of the present resolution;
6. Requests 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 and to report to the Security Council as soon as possible;
7. Recognizes the magnitude of the damage inflicted during the conflict and the need for reconstruction efforts with appropriate international assistance once the conflict is ended and in this regard requests the Secretary General to assign a team of experts to study the question of reconstruction and to report to the Security Council,
8. Further requests the Secretary General to examine in consultation with Iran and Iraq and with other states of the region measures to enhance the security and stability of the region;
9. Requests the Secretary General to keep the Security Council informed on the implementation of this resolution;
10. Decides to meet again as necessary to consider further steps to insure compliance with this resolution.

## **Chapter VII – Annex II**





UNITED NATIONS

# BACKGROUND

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## Chronology of United Nations Negotiations to End the Iran-Iraq War

Informal and Unofficial Background Note

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1980

- 22 September Secretary-General of the United Nations offers his good offices to both Iran and Iraq with a view to assisting them to settle the conflict by peaceful means.
- 23 September Secretary-General, in the context of Article 99 of the United Nations Charter, brings the conflict between Iran and Iraq to the attention of the Security Council.
- After consultations with Council members, the President of the Security Council issues statement supporting the Secretary-General's offer of good offices and appealing to both Governments to settle their dispute by peaceful means.
- 25 September Secretary-General requests the Security Council to consider the situation with utmost urgency.
- 28 September Security Council adopts resolution 479 (1980) calling upon Iran and Iraq to refrain immediately from further use of force and to settle their dispute by peaceful means. Expresses the Council's support for the efforts being made by the Secretary-General and the offer of his good offices.
- 10 October Secretary-General appeals to Iran and Iraq to allow vessels trapped in the area of conflict to leave safely.
- 5 November President of the Security Council issues a statement supporting the Secretary-General's proposal to send a representative to the region in order to facilitate authoritative consultations and calls on Iran and Iraq to co-operate with the Council and to support the Secretary-General's efforts.
- 11 November Secretary-General appoints former Swedish Prime Minister Olof Palme, then leader of the Opposition, as United Nations Special Representative for Iran and Iraq. After consultations at Headquarters, Mr. Palme leaves New York on 16 November for the area.
- 20-24 November Mr. Palme and team visit Teheran and Baghdad.

- 25 November On return from his mission, Mr. Palme informs the Secretary-General that both parties have agreed in principle to free 63 foreign ships caught in the Shatt-al-Arab by the fighting.
- 26 November Mr. Palme informs the press about the agreement in principle concerning the free passage of ships immobilized in the Shatt-al-Arab, and also that related arrangements are being worked out by the UN Secretariat.
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*1981*

- 13-15 January United Nations Special Representative Mr. Palme and team make second visit to Baghdad.
- 16-17 January Mr. Palme and team make second visit to Teheran.
- 18-21 February Mr. Palme and team hold further talks in Baghdad and Teheran.
- 16 June Iran and Iraq exchange 42 wounded prisoners on Cyprus.
- 20-21 June Mr. Palme and team in Teheran. Talks with Prime Minister Rajaie, Speaker Rafsanjani and Chief Justice Beheshti. United Nations proposals for cease-fire, troop withdrawals and negotiations discussed.
- 22-23 June Mr. Palme holds talks in Baghdad with President Saddam Hussain, Deputy Prime Minister Tariq Aziz and Foreign Minister Saddoun Hammadi and discusses proposals.
- 26-28 June Round of talks in Teheran and Baghdad during which revised United Nations plan is presented.
- 25 August Eighty-five prisoners of war (45 Iranian, 40 Iraqi) exchanged at Larnaca, Cyprus, under International Committee of the Red Cross supervision.
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*1982*

- 24-27 February Mr. Palme and United Nations team hold talks in Baghdad and Teheran and present refined plan on basis of June 1981 proposals.
- 16 June Iran and Iraq exchange wounded prisoners of war in Cyprus under International Committee of the Red Cross arrangements.
- 12 July Security Council adopts resolution 514 (1982) calling for an immediate cease-fire, withdrawal of forces to internationally recognized boundaries, the dispatching of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal, and the continuation of mediation efforts. It also requests all other States to abstain from actions which might contribute to the continuation of the conflict.

- 15 July On behalf of its members, President of Security Council issues a statement urging a peaceful settlement of the conflict.
- 4 October Security Council adopts resolution 522 (1982), whose operative paragraphs essentially reiterate those of resolution 514 (1982). In addition, it welcomes the readiness of one of the parties to co-operate and calls upon the other to do likewise.
- 22 October General Assembly adopts resolution 37/3 calling for an immediate cease-fire, withdrawal of forces and peaceful settlement of the disputes between the two States.
- 28 October Iran requests Secretary-General to send fact-finding mission to inspect civilian areas allegedly attacked by Iraq.
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### 1983

- 21 February President of the Security Council issues a statement urgently renewing Council's previous calls for an immediate cease-fire, withdrawal of forces, and a peaceful settlement of the conflict.
- 2 May Iran formally requests Secretary-General to dispatch a mission to inspect civilian areas subjected to military attack by Iraq, indicating that mission could also visit Iraq to investigate similar Iraqi allegations. Iraq is consulted and agrees.
- 12 May Secretary-General informs Iran and Iraq of his decision to dispatch a mission to inspect civilian areas in both countries which have been subject to military attacks.
- 20 May to 2 June Secretary-General dispatches United Nations mission to the region to inspect sites in Iranian and Iraqi war zones.
- 10 June Iraq requests the Secretary-General to establish a commission of inquiry to investigate the situation of prisoners of war in Iran and Iraq. The Secretary-General initiates consultations with the International Committee of the Red Cross.
- 20 June Secretary-General presents United Nations mission's report to Security Council. Mission's findings indicate heavy and intensive destruction of civilian areas in Iran by aerial, artillery and missile attacks and during military occupation, and light damage in Iraq's civilian areas.
- 29-30 September Secretary-General and his Special Representative Olof Palme meet the Foreign Ministers of Iran and Iraq in New York.
- 31 October Security Council adopts resolution 540 (1983) condemning violations of international humanitarian law, calling for the immediate cessation of all military operations against civilian targets, affirming the right of free navigation in the Gulf and calling on States to refrain from actions which might further escalate the conflict. The resolution also requests the Secretary-General to continue his mediation efforts and to consult with the parties on ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers.

- 22 November Iran asks Secretary-General to send second fact-finding mission to area to update previous report on civilian areas.
- 5 December Secretary-General of Gulf Co-operation Council meets Secretary-General to ask for action to prevent spreading of conflict.
- 11 December Secretary-General reports to the Security Council on situation and on positions of both parties on resolution 540.
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1984

- 10 February Secretary-General addresses separate messages to Iran and Iraq expressing his concern at the mounting toll in life and continued suffering, indicates intention to dispatch a "dual purpose" mission to the war-stricken areas in both countries, which would also hold talks in both capitals concerning other questions related to the conflict.
- 8 March Secretary-General announces dispatch of mission to investigate Iranian allegations concerning the use of chemical weapons.
- 13-18 March United Nations team of specialists inspects evidence in war zone.
- 26 March "Report of the specialists appointed by the Secretary-General to investigate allegations by the Islamic Republic of Iran concerning the use of chemical weapons" submitted to Security Council. Secretary-General deplures use of chemical weapons.
- 30 March Security Council strongly condemns the use of chemical weapons, calls on the States concerned to observe the Geneva Protocol of 1925, condemns all violations of international humanitarian law and calls for a cease-fire and a peaceful solution to the conflict.
- 1 June On an initiative by members of the Gulf Co-operation Council, the Security Council adopts resolution 552 (1984) calling upon all States to respect the right of free navigation and demanding that attacks on commercial ships en route to Kuwait and Saudi Arabia cease.
- 9 June Secretary-General addresses message to the Presidents of Iran and Iraq calling upon both sides to end, and in the future to refrain from initiating, deliberate military attacks on purely civilian population centres.
- 10 June Iran and Iraq accept Secretary-General's appeal, both requesting verification measures, with Iraq also specifying that there should be no military concentrations in civilian areas.
- 12 June Undertakings by Iran and Iraq in response to Secretary-General's appeal to refrain from deliberate military attacks on civilian population centres become effective.
- 14 June Secretary-General informs Security Council of his decision to set up two inspection teams to verify allegations of violation of the agreement to end attacks on civilian areas. On 15 June, Council members agreed with Secretary-General's proposed measures.

- 21 June Personnel of United Nations inspection team A arrive in Baghdad.
- 26 June Personnel of United Nations inspection team B arrive in Teheran.
- Secretary-General addresses notes verbales to Governments asking them to support the International Committee of the Red Cross in ensuring respect for the Geneva Conventions, and to serve as Protecting Powers for prisoners of war in Iran and Iraq.
- 29 June Secretary-General addresses letters to Iran and Iraq stating that concentrations of troops in civilian areas would be a violation of the spirit of the undertakings on civilian areas, and also calling for solemn commitments by both not to use chemical weapons for any reason.
- 17 September United Nations inspection team in Baghdad investigates allegation of attack by Iran on civilian areas; concludes that no deliberate attack occurred.
- 31 December In compliance with resolution 552 (1984), the Secretary-General reports to the Security Council on officially reported attacks on merchant shipping in the Gulf.
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1985

- 11-17 January United Nations mission inspects prisoner of war camps in Iraq.
- 18-25 January United Nations mission inspects prisoner of war camps in Iran.
- 22 February Report of United Nations mission on prisoners of war concludes that in neither country were prisoners of war treated as harshly as alleged by the others.
- 5 March Statement by President of Security Council expressing alarm over reports that Iran and Iraq are attacking civilian areas. Appeals to both Governments to exercise restraint and to continue to honour their undertakings to the Secretary-General, made on 12 June 1984.
- 9 March Secretary-General sends message to both Presidents calling for observance of 12 June 1984 undertakings on civilian areas.
- 15 March Security Council issues statement calling for the implementation of the moratorium on attacks against purely civilian population centres, with a view to finding a peaceful settlement of the conflict.
- 18-26 March Secretary-General meets in New York with the Deputy Foreign Minister of Iran and the Foreign Minister of Iraq and presents them with his *eight-point proposals* to seek an end to the conflict.
- 7-8 April Secretary-General visits Teheran and Baghdad.
- 12 April Secretary-General reports to the Security Council on his visits to Iran and Iraq, states that both Governments desired peace, had confidence in his efforts and were agreed that his proposals presented to them in March could serve as a basis for further discussion. Report proposes that Security Council invite both sides for a renewed examination of all aspects of the conflict.

- 25 April Security Council President: issues formal statement strongly condemning use of chemical weapons. Expresses readiness to invite Iran and Iraq to re-examine all aspects of the conflict.
- 27 December Secretary-General reports to the Security Council on 61 incidents in the Gulf of attacks on and interceptions of merchant shipping.
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1986

- 11 February Secretary-General urges that concerted efforts be made to end the war, on the basis of his eight-point proposal.
- 24 February Security Council adopts resolution 582 (1986) which deplores the initial acts that caused the war as well as its continuation and escalation, especially the use of chemical weapons. It calls for an immediate cease-fire, the withdrawal of all forces to internationally recognized boundaries, a comprehensive exchange of prisoners of war and the submission of all aspects of the conflict to any means of peaceful settlement. It also urges other States to exercise utmost restraint in order to avoid further escalation of hostilities.
- 12 March Report of mission of specialists issued, confirming the use of chemical weapons by Iraq against Iranian forces on many occasions.
- 21 March President of the Security Council issues a statement strongly condemning the use of chemical weapons by Iraq against Iranian forces as well as the prolongation of the conflict, and expresses concern over the risk of an extension of the conflict to other States.
- 3 July Secretary-General repeats call for halt to attacks on civilian areas, offers to reactivate inspection teams and reiterates offer of his good offices to end the conflict.
- 14 August Secretary-General states he is gratified that statements by the Iranian and Iraqi Governments indicate that both sides desire to refrain from attacks on civilian areas, and calls for restoration of moratorium. He expresses grave alarm over escalation of the conflict and calls for its end.
- 29 August Security Council expresses great concern over the possible escalation of the Gulf war and the widening attacks on merchant shipping and civilian targets. It endorses the Secretary-General's continuing efforts, especially in the domain of chemical weapons, and attacks on civilian areas.
- 3 October Secretary-General, in a statement to the Security Council, notes the depth of international alarm over the prolongation and escalation of the Iran/Iraq war. He emphasizes the urgency of the situation and stresses the necessity for the Security Council to establish a basis for negotiation acceptable to both parties.
- 8 October Security Council resolution 588 (1986) expresses deep alarm over the prolongation and escalation of the Iran-Iraq war, and calls upon both parties to fully implement resolution 582 (1986). The resolution requests the Secretary-General to intensify his efforts and report to the Council by 30 November 1986.

- 26 November Secretary-General's report to the Security Council, in compliance with resolution 588 (1986), conveys positions of Iran and Iraq on resolution 582 (1986) as well as on general and specific issues in the conflict. He concludes that the differences between the two sides prevent specific proposals to implement resolution 582. He also draws attention to the growing danger in the region from attacks on merchant shipping. He asks Council to persevere in efforts to establish a basis for securing co-operation of Iran and Iraq.
- 22 December President of Security Council expresses Council's serious concern at the situation, deplores violations of international humanitarian law and urges Secretary General to continue his efforts.
- 31 December Secretary-General reports to Security Council on 101 incidents in the Gulf
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1987

- 13 January Secretary-General, at press conference, calls for a new approach, namely a more determined joint effort by members of the Security Council, and in particular the five permanent members. Secretary-General provides members of the Security Council with some elements which could be used as a basis for their common work.
- 16 January Statement by President of the Security Council expressing concern over escalating hostilities, appealing to the parties to comply with Security Council resolutions 592 (1986) and 588 (1986), expressing appreciation for the Secretary-General's efforts and urging him to persevere in those efforts.
- 26 January Secretary-General, at Islamic Summit in Kuwait, makes proposals aimed at breaking the impasse in mediation.
- February The five permanent members of the Security Council start working as a group on the question of the war between Iran and Iraq.
- 8 May Report of United Nations investigative mission confirms repeated use of chemical weapons by Iraqi forces against Iranian forces.
- 14 May Security Council statement condemns repeated use of chemical weapons, also condemns prolongation of conflict, expresses concern over danger of its extension.
- 20 July Security Council adopts resolution 598 (1987) which, a year later, becomes the framework for reaching cease-fire agreement of 8 August 1978.
- 14 August Iraq officially informs Secretary-General that it welcomes resolution 598 and is ready to co-operate with him and Security Council in its implementation.
- 11-14 September Visit of Secretary-General to Teheran and Baghdad during which he discusses with officials of both countries possibilities for the implementation of resolution 598. The *outline implementation plan* is presented to both parties.

- 22 September Secretary-General meets with President Khamenei of Iran to discuss certain points of resolution 598. Other meetings were held the same day between the Secretary-General and/or his staff and Deputy Foreign Minister Mohammad Javad Larijani.
- 26 September Secretary-General's working lunch with Foreign Ministers of five Permanent Members of Security Council: they express support for his *outline implementation plan*.
- 28 September Secretary-General meets with Foreign Minister of Iraq, Tariq Aziz, in New York.
- 29 September Secretary-General meets with Director-General for International Organizations of the Foreign Ministry of Iran, Jaafar Mahallati, in New York.
- 9 October Secretary-General meets with permanent members of Security Council to discuss Council strategy regarding resolution 598.
- 15 October Secretary-General submits his *implementation plan* to the Foreign Ministers of Iran and Iraq.
- 6 November Secretary-General meets with the five permanent members of the Security Council to discuss the replies he has received from Iran and Iraq in response to his letter of 15 October to both Governments.
- 2-3 December Secretary-General meets in New York with Iranian delegation led by Deputy Foreign Minister Larijani.
- 8-9 December Secretary-General meets in New York with Iraqi delegation led by Tariq Aziz.
- 10 December Secretary-General reports to Security Council on his meetings with Iranian and Iraqi delegations on implementation of resolution 598. He says that a fresh impulse is needed from the Council.
- 24 December Following consultations of the Security Council, its President reaffirms the commitment of Council members to resolution 598 as a whole as "the only basis for a comprehensive, just, honourable and desirable settlement of the conflict".
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1988

- 4-5 January Secretary-General meets with Permanent Representatives of Iran and Iraq. He informs both parties that he feels that a new round of consultations cannot be undertaken unless there are clear assurances from both sides that such consultations would lead to real progress.
- 19-28 January Secretary-General meets repeatedly with Acting Permanent Representative of Iran and with the Permanent Representative of Iraq concerning implementation of resolution 598.
- 29 January and 1 February Secretary-General makes statements at informal consultations of the Security Council on his efforts to end the conflict between Iran and Iraq, and informs the Council that he intends to continue his contacts with both parties.



- 24-25 February Secretary-General meets with representatives of both countries concerning implementation of resolution 598.
- 1-15 March Secretary-General meets five times with the Acting Permanent Representative of Iran and twice with the Permanent Representative of Iraq.
- 16 March Security Council meets to discuss Iran-Iraq conflict; expresses support for the Secretary-General's efforts to implement resolution 598 and his intention to invite both Governments to send special emissaries to New York to hold consultations.
- 18 March Secretary-General addresses letters to the Presidents of Iran and Iraq inviting them to send emissaries to hold consultations with him on implementation of resolution 598.
- Secretary-General briefs Security Council members on his invitation to the Presidents of Iran and Iraq.
- 21 March Iran requests dispatch of mission to investigate alleged use of chemical weapons by Iraq.
- 22 March Secretary-General makes statement in Security Council regarding his invitations to Iran and Iraq to send special emissaries for a new round of consultations to end the war. He appeals to both parties to stop attacks on civilian areas and to desist from creating further obstacles to the implementation of resolution 598.
- 24 March Iran again requests dispatch of mission to investigate alleged use of chemical weapons by Iraq.
- 25 March Secretary-General holds two meetings with Iranian Acting Permanent Representative, Mr. Mahallati. He informs him that a mission will be arriving in Teheran on 28 March to examine victims of alleged chemical weapons attacks.
- 27 March United Nations experts depart for Teheran to investigate the use of chemical weapons. The team visited Iran (28-31 March) and Baghdad (8-11 April).
- 28 March Iraq requests Secretary-General to dispatch mission to investigate the situation of 7,000 Iraqi prisoners of war in Iran.
- United Nations experts examine chemical warfare victims in Teheran hospitals.
- Secretary-General issues statement condemning use of chemical weapons.
- 4 April Iraq requests Secretary-General to dispatch a mission to Baghdad to examine victims of alleged Iranian use of chemical weapons.
- 6-7 April Secretary-General holds meetings in New York with Deputy Foreign Minister of Iran, Dr. Mohammad Javad Larijani.
- 8 April Security Council meets to discuss status of Iran's and Iraq's positions on resolution 598.
- 11-12 April Secretary-General meets in New York with Senior Under-Secretary of the Ministry of Foreign Affairs of Iraq, Mr. Wissam Al-Zahawi.

- 13 April Secretary-General meets with the five permanent members of the Security Council to brief them on his recent talks on the Iran-Iraq conflict with the representatives of both sides. The full Council is briefed by the Secretary-General in the afternoon.
- 25 April Secretary-General transmits to Security Council "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".
- 9 May Security Council adopts resolution 612 (1988) stating its dismay at the Mission's conclusions that chemical weapons continue to be used in the conflict on an even more intensive scale than before.
- 19 May and 16 June Iran requests Secretary-General to dispatch another mission to investigate the use of chemical weapons by Iraq.
- 1-4 July United Nations experts in Teheran investigate use of chemical weapons.
- 2 July Minister for Foreign Affairs of Iraq addresses letter to Secretary-General regarding situation of prisoners of war.
- 3 July Iranian commercial airliner is shot down by "USS Vincennes" in the Gulf.
- 4 July Iraq requests United Nations and International Committee of the Red Cross to investigate the fate of Iraqi prisoners of war in Iran.
- 5 July Iran calls for an urgent meeting of the Security Council to discuss the downing of Iranian airliner.
- In a press conference in Geneva, the Secretary-General said that he hoped to send in the near future a mission to investigate the situation of prisoners of war in Iran and Iraq.
- Iraq requests Secretary-General to dispatch a mission to Baghdad to investigate alleged use of chemical weapons by Iran.
- 9 July Team of experts departs Geneva for Baghdad, spending 10 through 11 July investigating alleged use of chemical weapons by Iran.
- 11 July Iran expresses readiness to receive mission dispatched to investigate situation of prisoners of war.
- 14 July Security Council meets to discuss downing of Iranian commercial airliner.
- 17 July Iran informs the Secretary-General of its formal acceptance of resolution 598 (1987).
- 18 July In a letter to the Secretary-General, Iraq defines its position on resolution 598 as total acceptance.
- 20 July Security Council resolution 616 (1988) expresses deep distress at downing of Iranian civil aircraft, stresses need for rapid implementation of resolution 598 (1987), reaffirms its support for the efforts of the Secretary-General to implement that resolution and commits itself to working with him in the development of his implementation plan.

- 20 July Secretary-General transmits to Security Council "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".
- Secretary-General dispatches technical team to Iran and Iraq in connection with implementing a cease-fire between the two countries.
- 21 July Secretary-General dispatches mission to Iran and Iraq to investigate the situation of the prisoners of war.
- 22 July Secretary-General informs representatives of Iran and Iraq that he would like to receive the Foreign Ministers to enter into intensive discussion with him on different aspects of his implementation plan of Security Council resolution 598.
- 25 July "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" is submitted to the Security Council.
- 25 July to 2 August Visit of technical team headed by Lt.-Gen. Martin Vadset (Norway) to Iran and Iraq to work out modalities for implementing the immediate cease-fire called for in resolution 598.
- 26 July Security Council President states that Security Council is united in supporting Secretary-General's efforts and informs both the Iranian and Iraqi Foreign Ministers accordingly.
- President of Security Council states that Council is firmly united in condemning any use of chemical weapons.
- Secretary-General begins his talks with Iranian and Iraqi Foreign Ministers aimed at bringing about implementation of Security Council resolution 598. Between 26 July and 7 August, he meets with the Foreign Minister of Iran 9 times and with the representatives of Iraq 6 times.
- 4 August United Nations technical team headed by General Vadset returns to United Nations Headquarters and reports to Secretary-General.
- 6 August Iraq declares readiness for a cease-fire.
- 7 August Secretary-General reports to the Security Council on the implementation of operative paragraph 2 of resolution 598, recommending the establishment of a team of observers, the United Nations Iran-Iraq Military Observer Group (UNIIMOG).
- 8 August Secretary-General in the Security Council calls for a cease-fire on 20 August, the deployment of United Nations observers, the beginning of direct talks between Iran and Iraq on 25 August. Urges both parties to exercise utmost restraint and refrain from any hostile activities on land, at sea and in the air in the period before entry into effect of the cease-fire. Security Council endorses Secretary-General's call.
- 9 August Security Council decides in resolution 619 (1988) to set up UNIIMOG immediately for a period of six months.

- 10 August First elements of UNIIMOG advance parties arrive in Iran and Iraq.
- 11 August Secretary-General dispatches Mission to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq.
- 12 August General Slavko Jovic (Yugoslavia) appointed as Chief Military Observer. UNIIMOG.
- 19 August "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" is submitted to the Security Council.
- 20 August The cease-fire takes effect.
- 25 August Secretary-General opens talks between the Foreign Ministers of Iran and Iraq in the Palais des Nations in Geneva.
- 26 August Security Council adopts resolution 620 (1988), recalling its resolution 612 (1988), condemning the use of chemical weapons and encouraging the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State.
- 1 September Secretary-General names Jan K. Eliasson, the Permanent Representative of Sweden to the United Nations, as his Personal Representative on issues pertaining to the implementation of Security Council resolution 598 (1987).
- 14 September Secretary-General's Personal Representative reports to the Secretary-General in New York on the status of the talks held at Geneva, due to be pursued in both New York and Geneva in the latter part of October.

30 September - Secretary-General begins a round of talks in New York with  
6 October the Foreign Ministers of Iran and Iraq to discuss questions relating to the implementation of Security Council resolution 598(1987). A joint ministerial meeting is held on 1 October.

In the context of the General Assembly's General Debate, a statement is made before the Assembly by the Foreign Minister of Iran on 3 October and by the Foreign Minister of Iraq on 4 October.

31 October -- A series of meetings between the Foreign Ministers of Iran and  
11 November Iraq is opened in Geneva by the Secretary-General. Seven joint ministerial meetings are held, three under the chairmanship of the Secretary-General and the last four under the chairmanship of his Personal Representative. The Personal Representative reports at a press conference that, although there has been no breakthrough, positive results can be achieved at the next meeting through careful preparation and reflection.

14-15 December Secretary-General, while attending the General Assembly debate on the question of Palestine in Geneva, meets separately with the Foreign Minister of Iraq and with the Permanent Representative of Iran to the United Nations in Geneva with a view to "move the negotiating process forward".

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## 1989

7-8 January Secretary-General meets in Paris separately with the Foreign Ministers of Iran and Iraq, both of whom are attending the Paris Conference on chemical weapons.

Following these meetings, the Secretary-General asks his Personal Representative to travel to Iran and Iraq for further consultations

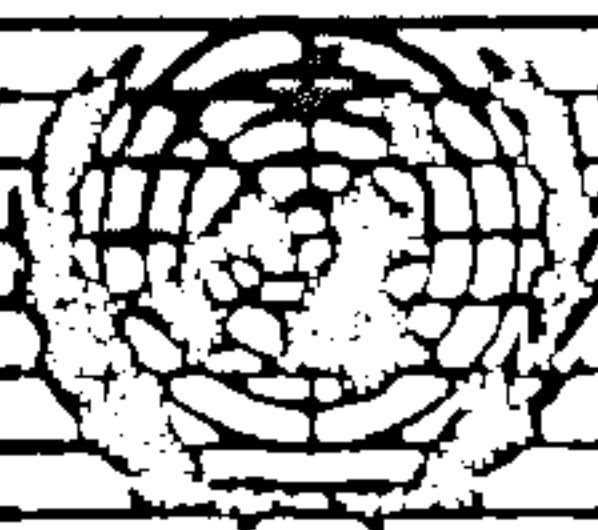
Late January Secretary-General's Personal Representative visits Teheran and Baghdad and holds consultations with authorities in the two countries on the implementation of Security Council resolution 598(1987). The Secretary-General expresses confidence that the exchanges which took place during the visit and the indications received from both sides can add momentum to the peace process.

8 February Security Council, by its resolution 631(1989), unanimously decides to renew UNIIMOG's mandate for a period of seven months and 22 days and calls upon the parties concerned to implement immediately Security Council resolution 598(1987).

Foreign Ministers of Iran and Iraq are in New York at the time of the Security Council meeting.

- 9-10 February Secretary-General meets with the Foreign Minister of Iraq on 9 February and with the Foreign Minister of Iran on 10 February. Discussions cover both procedural and substantive matters relating to the implementation of Security Council resolution 598(1987).
- Joint ministerial meeting is held on 10 February to discuss further steps to take towards achieving the implementation of Security Council resolution 598(1987). Agreement is reached to convene another joint ministerial meeting in the latter part of March following preparatory talks between United Nations officials and delegations from both sides.
- Early March Governments of Iran and Iraq are invited to send delegations to New York for the preparatory talks concerning the upcoming joint ministerial meeting. Thorough and intensive discussions take place with an Iranian delegation on 2 and 3 March and with an Iraqi delegation on 8 and 9 March. The Secretary-General's Personal Representative reports that he is satisfied with the results of the talks.
- Late March -  
Early April Further preparatory talks for the joint ministerial meeting are held on 30 and 31 March in New York with the Iraqi delegation led by the Permanent Representative of Iraq to the United Nations, the Secretary-General of the Iraqi Foreign Ministry and the Ambassador of Iraq to the United States. On 6, 7 and 10 April, talks take place with the Iranian delegation, which is headed by the Deputy Foreign Minister of Iran.
- 13 April Secretary-General issues a statement announcing that a new round of direct ministerial talks under his auspices is to take place in Geneva starting 20 April.

## **Chapter VII – Annex III**



UNITED NATIONS

# BACKGROUND

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## Security Council Resolution 598(1987) of 20 July 1987

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*The Security Council,*

*Reaffirming its resolution 582(1986),*

*Deeply concerned* that, despite its calls for a cease-fire, the conflict between the Islamic Republic of Iran and Iraq continues unabated, with further heavy loss of human life and material destruction,

*Deploring* the initiation and continuation of the conflict,

*Deploring also* the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva Protocol,

*Deeply concerned* that further escalation and widening of the conflict may take place,

*Determined* to bring to an end all military actions between Iran and Iraq,

*Convinced* that a comprehensive, just, honourable and durable settlement should be achieved between Iran and Iraq.

*Recalling* the provisions of the Charter of the United Nations, and in particular the obligation of all Member States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

*Determining* that there exists a breach of the peace as regards the conflict between Iran and Iraq.

*Acting under Articles 39 and 40 of the Charter,*

1. *Demands* that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate cease-fire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay;

2. *Requests* the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the cease-fire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the Parties and to submit a report thereon to the Security Council;

3. *Urges* that prisoners-of-war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949;



4. *Calls upon* Iran and Iraq to co-operate with the Secretary-General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles contained in the Charter of the United Nations;

5. *Calls upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to further escalation and widening of the conflict, and thus to facilitate the implementation of the present resolution;

6. *Requests* 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 and to report to the Council as soon as possible;

7. *Recognizes* the magnitude of the damage inflicted during the conflict and the need for reconstruction efforts, with appropriate international assistance, once the conflict is ended and, in this regard, requests the Secretary-General to assign a team of experts to study the question of reconstruction and to report to the Council;

8. *Further requests* the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region;

9. *Requests* the Secretary-General to keep the Council informed on the implementation of this resolution;

10. *Decides* to meet again as necessary to consider further steps to ensure compliance with this resolution.

## **Chapter VII – Annex IV**

## **Iran's Reply to Resolution 598**

Detailed and official position of the Islamic Republic of Iran on the Security Council resolution 598 (1987)

1. Resolution 598 (1987) has been formulated and adopted by the United States with the explicit intention of intervention in the Persian Gulf and the region, mustering support for Iraq and its supporters in the war, and the diversion of public opinion from the home front. None of these objectives correspond to the legitimate objective of seeking a just solution to the conflict.
2. Resolution 598 (1987) has been formulated without seeking consultation from the Islamic Republic of Iran. As it reflects the Iraqi formulae for the resolution of the conflict, it cannot therefore be considered a balanced, impartial, comprehensive and practical resolution.
3. If the United States and the countries supporting Iraq harbour the illusion that they can terminate the war in favour of Iraq through an unjust and partial resolution, they are well advised to review the experience of the Council over the past several years following the liberation of Khorramshahr and the expulsion of the Iraq forces of occupation from most of the occupied territory inside the Islamic Republic of Iran. The Islamic Republic of Iran, as the victim of aggression, is the main party to determine how the war can be terminated, and no change can be effected in the course of the war as long as conditions of the Islamic Republic of Iran are not met.
4. The Security Council is obliged to explain why the Iran-Iraq war, exactly at the time when it is approaching its final stages, has turned into a breach of peace, thus necessitating recourse to Article 39 of the Charter. Ironically enough, the initiation of the war by Iraq on 22 September 1980 and occupation of a vast part of the territory of the Islamic Republic of Iran was a breach of world peace. The Security Council, however, chose to remain silent then. Little wonder, then, that the United States, in an outright show of support for Iraq even forced the Security Council to oppose the amendment of some permanent and non-permanent members of the Council as to considering the war from the very outset as a breach of peace.
5. The first Article of the United Nations Charter accords "suppression of aggression" priority over all other objectives. And yet, the Security Council in its first resolution regarding the conflict (resolution 479 dated 28 September 1980) called on Iran, a Member State of the United Nations, to practically submit to aggression. The Secretary-General, on the other hand, has, through his subtle initiatives, endeavoured to gradually compensate for the Council's "purposeful error." The recent hypocritical political manoeuvre of the United States forced the Security Council to support the aggressor once again and hence openly violate the first and foremost objective of the Charter.
6. The Security Council, by virtue of its submission to the resolution presented and actively pursued by the United States, has, in practical terms, turned itself into a party to the conflict. As such, the Security Council will not be able to play a positive and constructive role as regards the war, and it will find it expedient in the future to modify this position.
7. The Islamic Republic of Iran had previously warned that the adoption of this resolution is a prelude to the expansion of tension and further exacerbation of the situation. What has transpired since its adoption points in the same direction. The United States immediately brought its armada into the Persian Gulf and intends to increase its military presence in the area. The incidents that took place in Saudi Arabia with American provocation and American military support for the export of Iraqi oil through Kuwait have soured the relations between the Islamic Republic of Iran and these countries. And military operations by Iraq are continuing unabated.
8. The United States increased presence and military provocations in the Persian Gulf which have led to further escalation of tension in the region constitute clear violations of paragraph 5 of resolution 598 (1987). As such, the United States is the first violator of the resolution

whose formulation and adoption has been an American undertaking. If the Security Council is honestly committed to its own resolution, it follows that We Council must take a clearcut position on the violation of the resolution by United States.

9. Be United States, through mounting pressure on the Security Council to adopt another resolution, seeks to take measures against the Islamic Republic of Iran and prepare the grounds for confrontation with Iran. Such efforts would only lead to the expansion of tension and further isolation of the Security Council from the political arena of the conflict. Be Islamic Republic of Iran would not hesitate to confront any provocative measure on the part of the United States. However, the Security Council is well advised to realign its decisions with the principles enshrined in the Charter. Meanwhile, the best possible line of action lies in strengthening the positive aspects of We present resolution so that it would pave the way for future co-operation and adoption of constructive measures.
10. Be crisis in the Persian Gulf is not unrelated to the question of the Iran-Iraq war. However, due to its significance and sensitivity, it calls for special attention.

Failure in resolving the crisis in the Persian Gulf will precipitate the expansion of the conflict to unpredictable dimensions. Before, any efforts to restore peace and security in the Persian Gulf must be accorded first priority. In this connection, paragraphs 5 and 8 constitute the critical parts of We resolution.
11. Be Islamic Republic of Iran and other countries in the region are, prior to and more than any other countries, interested in and committed to the stability and security in the Persian Gulf, freedom of navigation and the unimpeded flow of oil. The crisis in the Persian Gulf was initiated, perpetuated and expanded by Iraq and brought to a climax following the Kuwaiti invitation of superpowers and consequent military intervention by the United States. All these developments, and in particular the violation of paragraph 5 of the resolution due to the intensified United States military presence in the area, have adversely affected the possibility of action on the part of the Secretary-General, on the basis of paragraph 8 of the resolution, in connection with security and stability in the region.
12. Resolution of the crisis in the Persian Gulf lies in the commitment of both parties not to attack commercial ships, withdrawal of foreign forces from the area and strict observance of neutrality on the part of all littoral States, particularly Kuwait. Only the restoration of tranquillity in the Persian Gulf holds out any hope for positive political action regarding other aspects of the conflict.
13. Iraq has violated the terms of resolution 598 (1987) by launching several offensive operations immediately following its adoption. Some instances of these violations have been reported to the United Nations by the Permanent Representative of the Islamic Republic of Iran and are contained in documents 5/18997 and 51 19002. The Iraqi aerial attack against Tabriz is another clear and unequivocal example of Iraqi violation of resolution 598 (1987) and its hypocritical policy, which, ironically, was engineered by Iraq's supporters, and to its best satisfaction. While expectation of a minimum of consistency between Iraq's words and deeds is most reasonable, it is not known for what reasons the Security Council has turned a blind eye in the face of such flagrant violations by Iraq of its resolution.
14. Pronouncement of Iraq as the aggressor and the party responsible for the conflict as well as determining damages and war reparations are essential for a thorough study of the conflict and formulation of a final solution. The Islamic Republic of Iran is ready. to co-operate with the Secretary-General in this field.
15. Resolution 598 (1987) has condemned once again the use of chemical weapons, bombardment of civilian quarters, attacks on ships and civilian aircraft and violation of international law, particularly the Geneva Protocol of 1925 for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases. Yet, no practical measure has been foreseen to prevent the repetition of these crimes. The Islamic Republic of Iran is awaiting the response of the Secretary-General to the letter of the Minister for Foreign Affairs of the Islamic Republic of Iran dated 10 August 1987 (5/19029) regarding the important issue of use of

chemical weapons particularly after the Iraqi chemical attack on the city of Sardasht. The Islamic Republic of Iran is also prepared to consider any proposals on other aspects of the war related to international humanitarian law.

16. The Islamic Republic of Iran has submitted to the Secretary-General of the International Committee of the Red Cross various proposals for repatriation of different groups of POWs and, in some instances, has acted on unilateral basis. The Islamic Republic of Iran is prepared to co-operate with the Secretary-General and the ICRC for implementation of these proposals or any other proposals on the basis of the Geneva Convention of 12 August 1949.
17. The eight-point plan of March 1985 of the Secretary-General has been the only practical plan thus far taking various aspects of the war into account which has not been in force due to Iraqi opposition. This plan is still a suitable ground for future efforts of the Secretary-General.
18. The Islamic Republic of Iran hereby renews its confidence in the Secretary-General and is prepared to continue co-operation with him within the framework of his independent efforts and initiatives.
19. Constructive and commendable endeavours of certain impartial members of the Security Council to arrive at a balanced and positive resolution did not reach the desired results. However, grounds have been laid so that the Islamic Republic of Iran would continue its co-operation in a manner that would lead the Security Council to a just position. Undoubtedly, clearcut pronouncements on the responsibility of Iraq for the conflict, declared by some countries, constitute the most important element in the just resolution of the conflict. The Islamic Republic of Iran takes note of all positive endeavours and expresses its appreciation.

## **Chapter VII – Annex V**

## **Iraq's Reply to Resolution 598**

Letter dated 23 July 1987 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to refer to your letter dated 20 July 1987 and to inform you that the Iraqi Government has studied the text of Security Council resolution '598 (1987), adopted unanimously by the Council on 20 July 1987. The President of the Republic of Iraq has instructed me to transmit to you the position of the Iraqi Government, which is as follows:

1. The Iraqi Government welcomes the resolution and is ready to co-operate with you and with the Security Council so as to implement it in good faith with a view to finding a comprehensive, just, lasting and honourable settlement of the conflict with Iran.
2. On the basis of the contents of the resolution and its binding character under Chapter VII of the Charter, it is, of course, obvious that Iran's clear approval of the resolution, confirmed to you, and its clear readiness to fulfil its obligations thereunder, without any terms or conditions, in good faith and with serious intent, are essential for the fulfilment of the corresponding obligations which rest upon us. In that regard, I have set forth in paragraph 1 above our complete readiness to co-operate with you in fulfilling those obligations in good faith with a view to finding a comprehensive, just, lasting and honourable settlement of the conflict.
3. In welcoming the resolution, the Iraqi Government proceeds from the premise that the text thereof is an integral and indivisible whole in respect of the contents, the time-limits and the measures for the implementation of all its paragraphs, and in particular from the premise of immediate and mutual advantage from its implementation to all the parties concerned.
4. The Iraqi Government takes the expression "without delay," which appears in paragraph 1 of the resolution, to mean that the withdrawal shall be completed within a period not exceeding 10 days from the date of the general cease-fire. The determination of this period derives from the precedent of the withdrawal of Iraqi forces from Iranian territory, which was effected within 10 days, between 10 and 20 June 1982, even though that withdrawal was unilateral and took place in the absence of a cease-fire from the other side.
5. The Iraqi Government takes the expression "without delay," which appears in paragraph 3 of the resolution and concerns the release and repatriation of prisoners-of-war, to mean that the prisoners shall be released and repatriated within a period not exceeding eight weeks from the date of the cease-fire. Furthermore, the Iraqi Government understands that this operation shall, in accordance with the third Geneva Convention of 12 August 1949, be effected in co-operation with the International Committee of the Red Cross, and that this is a humanitarian and moral question having no connection in any way with the negotiations on other matters pending between the two countries.
6. The Iraqi Government is ready to co-operate with you sincerely in the mediation efforts entrusted to you in order to achieve a comprehensive, just and honourable settlement in accordance with the principles set forth in the Charter of the United Nations.  

The Iraqi Government will submit its proposals and define its position on other pending questions when negotiations commence concerning the comprehensive settlement, as called for in the resolution of the Security Council.
7. Iraq understands that, as soon as the cease-fire begins, it will be able to utilize its ports, its coasts and its internal and territorial waters and also that it will be able to enjoy, on a footing of equality with Iran, freedom of navigation in the international waters of the Arabian Gulf.
8. With regard to the provisions of paragraph 6 of the resolution, the Iraqi Government wishes to emphasize that it is ready to engage in consultations with you concerning the inquiry into responsibility for the conflict and its protraction and concerning the body to which this task should be entrusted.

9. The Iraqi Government welcomes the contents of paragraph 8 concerning measures to enhance the security and stability of the region, and proposes that, in the stage following the establishment of peace between Iraq and Iran, you convene a meeting of the Ministers for Foreign Affairs of the States of the Arabian Gulf, under your auspices, to study ways and means of guaranteeing security, stability and the freedom of international navigation in the region of the Arabian Gulf, on the basis of full respect for the sovereignty of the States concerned, non-intervention in each other's internal affairs and observance of the provisions of international law.
10. Lastly, the Iraqi Government, in keeping with the nature of the resolution adopted by the Council and in the light of the strong desire of the international community to bring about peace as a matter of urgency, hopes that the period of time required for the submission of your report to the Security Council on the implementation of the resolution, in pursuance of paragraph 9, will be short so as to prevent any procrastination or delay from any quarter whatsoever.

(Signed) Tariq AZIZ  
Deputy Prime Minister  
Minister for Foreign Affairs  
of the Republic of Iraq



## **Chapter VIII – Annex I**

# **Final Document of United Nations Special Session on Disarmament I (Complete Text)**

The First Special Session Devoted to Disarmament (SSD 1) of the UN General Assembly was held at the UN headquarters in New York from 23 May to 1 July 1978. Presidents, Prime Ministers and other national leaders from 149 nations participated in the discussions. Therefore the session ended, the Assembly adopted by consensus on 30 June a Final Document consisting of an Introduction, a Declaration, a Programme of Action, and recommendations concerning the international machinery for disarmament negotiations.

The text of the Final Document reads as follows.

The General Assembly,

Alarmed by the threat to the very survival of mankind posed by the existence of nuclear weapons and the continuing arms race, and recalling the devastation inflicted by all wars,

Convinced that disarmament and arms limitation, particularly in the nuclear field, are essential for the prevention of the danger of nuclear war and the strengthening of international peace and security and for the economic and social advancement of all peoples, thus facilitating the achievement of the new international economic order,

Having resolved to lay the foundations of an international disarmament strategy which, through coordinated and persevering efforts in which the United Nations should play a more effective role, aims at general and complete disarmament under effective international control,

Adopts the following Final Document of this special session of the General Assembly devoted to disarmament.

## **I. Introduction**

1. Attainment of the objective of security, which is an inseparable element of peace, has always been one of the most profound aspirations of humanity. States have for a long time sought to maintain their security through the possession of arms. Admittedly, their survival has, in certain cases, effectively depended on whether they could count on appropriate means of defence. Yet the accumulation of weapons, particularly nuclear weapons, today constitutes much more a threat than a protection for the future of mankind. The time has therefore come to put an end to this situation, to abandon the use of force in international relations and to seek security in disarmament, that is to say, through a gradual but effective process beginning with a reduction in the present level of armaments. The ending of the arms race and the achievement of real disarmament are tasks of primary importance and urgency. To meet this historic challenge is in the political and economic interests of all the nations and peoples of the world as well as in the interests of ensuring their genuine security and peaceful future.
2. Unless its avenues are closed, the continued arms race means a growing threat to international peace and security and even to the very survival of mankind. The nuclear and conventional arms build-up threatens to stall the efforts aimed at reaching the goals of development, to become an obstacle on the road of achieving the new international economic order and to hinder the solution of other vital problems facing mankind.
3. Dynamic development of detente, encompassing all spheres of international relations in all regions of the world, with the participation of all countries, would create conditions conducive to the efforts of States to end the arms race, which has engulfed the world, thus reducing the danger of war. Progress on detente and progress on disarmament mutually complement and strengthen each other.

4. The Disarmament Decade solemnly declared in 1969 by the United Nations is coming to an end. Unfortunately, the objectives established on that occasion by the General Assembly appear to be as far away today as they were then, or even further because the arms race is not diminishing but increasing and outstrips by far the efforts to curb it. While it is true that some limited agreements have been reached, "effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament" continue to elude man's grasp. Yet the implementation of such measures is urgently required. There has not been either any real progress that might lead to the conclusion of a treaty on general and complete disarmament under effective international control. Furthermore, it has not been possible to free any amount, however modest, of the enormous resources, both material and human, that are wasted on the unproductive and spiralling arms race, and which should be made available for the purpose of economic and social development, especially since such a race "places a great burden on both the developing and the developed countries."
5. The Members of the United Nations are fully aware of the conviction of their peoples, that the question of general and complete disarmament is of utmost importance and that peace, security and economic and social development are indivisible and have therefore recognised that the corresponding obligations and responsibilities are universal.
6. Thus a powerful current of opinion has gradually formed, leading to the convening of what will go down in the annals of the United Nations as the first special session of the General Assembly devoted entirely to disarmament.
7. The outcome of this special session, whose deliberations have to a large extent been facilitated by the five sessions of the Preparatory Committee which preceded it, is the present Final Document. This introduction serves as a preface to the document which comprises also the following three sections: a Declaration, a Programme of Action and recommendations concerning the international machinery for disarmament negotiations.
8. While the final objective of the efforts of all States should continue to be general and complete disarmament under effective international control, the immediate goal is that of the elimination of the danger of a nuclear war and the implementation of measures to halt and reverse the arms race and clear the path towards lasting peace. Negotiations on the entire range of those issues should be based on the strict observance of the purposes and principles enshrined in the Charter of the United Nations, with full recognition of the role of the United Nations in the field of disarmament and reflecting the vital interest of all the peoples of the world in this sphere. The aim of the Declaration is to review and assess the existing situation, outline the objectives and the priority tasks and set forth fundamental principles for disarmament negotiations.
9. For disarmament, the aims and purposes of which the Declaration proclaims, to become a reality it was essential to agree on a series of specific disarmament measures, selected by common accord as those on which there is a consensus to the effect that their subsequent realisation in the short term appears to be feasible. There is also a need to prepare through agreed procedures a comprehensive disarmament programme. That programme, passing through all the necessary stages, should lead to general and complete disarmament under effective international control. Procedures for watching over the fulfilment of the obligations thus assumed had also to be agreed upon. That is the purpose of the Programme of Action.
10. Although the decisive factor for achieving real measures of disarmament is the "political will" of States, and especially of those possessing nuclear weapons, a significant role can also be played by the effective functioning of an appropriate international machinery designed to deal with the problems of disarmament in its various aspects. Consequently, it would be necessary that the two kinds of organs required to that end, the deliberative and the negotiating organs, have the appropriate organisation and procedures that would be most conducive to obtaining constructive results. The fourth and last section of the Final Document has been prepared with that end in view.

## **II. Declaration**

11. Mankind today is confronted with an unprecedented threat of self-extinction arising from the massive and competitive accumulation of the most destructive weapons ever produced. Existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth. Failure of efforts to halt and reverse the arms race, in particular the nuclear arms race, increases the danger of the proliferation of nuclear weapons. Yet the arms race continues. Military budgets are constantly growing, with enormous consumption of human and material resources. The increase in weapons, especially nuclear weapons, far from helping to strengthen international security, on the contrary weakens it. The vast stockpiles and tremendous build-up of arms and armed forces and the competition for qualitative refinement of weapons of all kinds to which scientific resources and technological advances are diverted, pose incalculable threats to peace. This situation both reflects and aggravates international tensions, sharpens conflicts in various regions of the world, hinders the process of detente, exacerbates the differences between opposing military alliances, jeopardises the security of all States, heightens the sense of insecurity among all States, including the non-nuclear-weapon States, and increases the threat of nuclear war.
12. The arms race, particularly in its nuclear aspect, runs counter to efforts to achieve further relaxation of international tension, to establish international relations based on peaceful coexistence and trust between all States, and to develop broad international co-operation and understanding. The arms race impedes the realisation of the purposes, and is incompatible with the principles, of the Charter of the United Nations, especially respect for sovereignty, refraining from the threat or use of force against the territorial integrity or political independence of any State, peaceful settlement of disputes and non-intervention and non-interference in the internal affairs of States. It also adversely affects the rights of peoples freely to determine their systems of social and economic development, and hinders the struggle for self-determination and the elimination of colonial rule, racial or foreign domination or occupation. Indeed, the massive accumulation of armaments and the acquisition of armaments technology by racist regimes, as well as their possible acquisition of nuclear weapons, present a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm. It is, therefore, essential for purposes of disarmament to prevent any further acquisition of arms or arms technology by such regimes, especially through strict adherence by all States to relevant decisions of the Security Council.
13. Enduring international peace and security cannot be built on the accumulation of weaponry by military alliances nor be sustained by a precarious balance of deterrence or doctrines of strategic superiority. Genuine and lasting peace can only be created through the effective implementation of the security system provided for in the Charter of the United Nations and the speedy and substantial reduction of arms and armed forces, by international agreement and mutual example leading ultimately to general and complete disarmament under effective international control. At the same time, the causes of the arms race and threats to peace must be reduced and to this end effective action should be taken to eliminate tensions and settle disputes by peaceful means.
14. Since the process of disarmament affects the vital security interests of all States, they must all be actively concerned with and contribute to the measures of disarmament and arms limitations, which have an essential part to play in maintaining and strengthening international security. Therefore the role and responsibility of the United Nations in the sphere of disarmament, in accordance with its Charter, must be strengthened.
15. It is essential that not only Governments but also the peoples of the world recognise and understand the dangers in the present situation. In order that an international conscience may develop and that world public opinion may exercise a positive influence, the United Nations should increase the dissemination of information on the armaments race and disarmament with the full cooperation of Member States.
16. In a world of finite resources there is a close relationship between expenditure on armaments and economic and social development. Military expenditures are reaching ever higher

levels, the highest percentage of which can be attributed to the nuclear-weapon States and most of their allies, with prospects of further expansion and the danger of further increases in the expenditures of other countries. The hundreds of billions of dollars spent annually on the manufacture or improvement of weapons are in sombre and dramatic contrast to the want and poverty in which two-thirds of the world's population live. This colossal waste of resources is even more serious in that it diverts to military purposes not only material but also technological and human resources which are urgently needed for development in all countries, particularly in the developing countries. Thus, the economic and social consequences of the arms race are so detrimental that its continuation is obviously incompatible with the implementation of the new international economic order based on justice, equity and co-operation. Consequently, resources released as a result of the implementation of disarmament measures should be used in a manner which will help promote the well-being of all peoples and to improve the economic conditions of the developing countries.

17. Disarmament has thus become an imperative and most urgent task facing the international community. No real progress has been made so far in the crucial field of the reduction of armaments. However, certain positive changes in international relations in some areas of the world provide some encouragement.

Agreements have been reached that have been important in limiting certain weapons or eliminating them altogether, as in the case of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, and excluding particular areas from the arms race. The fact remains that these agreements relate only to measures of limited restraint while the arms race continues. These partial measures have done little to bring the world closer to the goal of general and complete disarmament. For more than a decade there have been no negotiations leading to a treaty on general and complete disarmament. The pressing need now is to translate into practical terms the provisions of this Final Document and to proceed along the road of binding and effective international agreements in the field of disarmament.

18. Removing the threat of a world war - a nuclear war - is the most acute and urgent task of the present day. Mankind is confronted with a choice: we must halt the arms race and proceed to disarmament or face annihilation.
19. The ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.

The principal goals of disarmament are to ensure the survival of mankind and to eliminate the danger of war, in particular nuclear war, to ensure that war is no longer an instrument for settling international disputes and that the use and the threat of force are eliminated from international life, as provided for in the Charter of the United Nations.

Progress towards this objective requires the conclusion and implementation of agreements on the cessation of the arms race and on genuine measures of disarmament taking into account the need of States to protect their security.

20. Among such measures, effective measures of nuclear disarmament and the prevention of nuclear war have the highest priority. To this end, it is imperative to remove the threat of nuclear weapons, to halt and reverse the nuclear arms race until the total elimination of nuclear weapons and their delivery systems has been achieved, and to prevent the proliferation of nuclear weapons.

At the same time, other measures designed to prevent the outbreak of nuclear war and to lessen the danger of the threat or use of nuclear weapons should be taken.

21. Along with these, agreements or other effective measures should be adopted to prohibit or prevent the development, production or use of other weapons of mass destruction. In this context, an agreement on elimination of all chemical weapons should be concluded as a matter of high priority.

22. Together with negotiations on nuclear disarmament measures, negotiations should be carried out on the balanced reduction of armed forces and of conventional armaments, based on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security. These negotiations should be conducted with particular emphasis on armed forces and conventional weapons of nuclear-weapon States and other militarily significant countries. There should also be negotiations on the limitation of international transfer of conventional weapons, based, in particular, on the same principle, and taking into account the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States, as well as the need of recipient States to protect their security.
23. Further international action should be taken to prohibit or restrict for humanitarian reasons the use of specific conventional weapons, including those which may be excessively injurious, cause unnecessary suffering or have indiscriminate effects.
24. Collateral measures in both the nuclear and conventional fields, together with other measures specifically designed to build confidence, should be undertaken in order to contribute to the creation of favourable conditions for the adoption of additional disarmament measures and to further relaxation of international tension.
25. Negotiations and measures in the field of disarmament shall be guided by the fundamental principles set forth below.
26. All States Members of the United Nations reaffirm their full commitment to the purposes of the Charter of the United Nations and their obligation strictly to observe its principles as well as other relevant and generally accepted principles of international law relating to the maintenance of international peace and security.

They stress the special importance of refraining from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or against peoples under colonial or foreign domination seeking to exercise their right to self-determination and to achieve independence; non-intervention and non-interference in the internal affairs of other States; the inviolability of international frontiers; and the peaceful settlement of disputes, having regard to the inherent right of States to individual and collective self-defence in accordance with the Charter.

27. In accordance with the Charter, the United Nations has a central role and primary responsibility in the sphere of disarmament. In order effectively to discharge this role and facilitate and encourage all measures in this field, the United Nations should be kept appropriately informed of all steps in this field, whether unilateral, bilateral, regional or multilateral, without prejudice to the progress of negotiations.
28. All the peoples of the world have a vital interest in the success of disarmament negotiations. Consequently, all States have the duty to contribute to efforts in the field of disarmament. All States have the right to participate in disarmament negotiations. They have the right to participate on an equal footing in those multilateral disarmament negotiations which have a direct bearing on their national security. While disarmament is the responsibility of all States, the nuclear-weapon States have the primary responsibility for nuclear disarmament, and, together with other militarily significant States for halting and reversing the arms race. It is therefore important to secure their active participation.
29. The adoption of disarmament measures should take place in such an equitable and balanced manner as to ensure the right of each State to security and that no individual State or group of States may obtain advantages over others at any stage. At each stage the objective should be undiminished security at the lowest possible level of armaments and military forces.
30. An acceptable balance of mutual responsibilities and obligations for nuclear and non-nuclear-weapon States should be strictly observed.

31. Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. Agreements should provide for the participation of parties directly or through the United Nations system in the verification process. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.
32. All States, and in particular nuclear-weapon States, should consider various proposals designed to secure the avoidance of the use of nuclear weapons, and the prevention of nuclear war. In this context, while noting the declarations made by nuclear-weapon States, effective arrangements, as appropriate, to assure non-nuclear-weapon States against the use or the threat of use of nuclear weapons could strengthen the security of those States and international peace and security.
33. The establishment of nuclear-weapon-free zones on the basis of agreements or arrangements freely arrived at among the States of the zone concerned, and the full compliance with those agreements or arrangements, thus ensuring that the zones are genuinely free from nuclear weapons, and respect for such zones by nuclear-weapon states, constitute an important disarmament measure.
34. Disarmament, relaxation of international tension, respect for the right to self-determination and national independence, the peaceful settlement of disputes in accordance with the Charter of the United Nations and the strengthening of international peace and security are directly related to each other. Progress in any of these spheres has a beneficial effect on all of them; in turn, failure in one sphere has negative effects on others.
35. There is also a close relationship between disarmament and development. Progress in the former would help greatly to the realisation of the latter. Therefore resources released as a result of the implementation of disarmament measures should be devoted to economic and social development of all nations and contribute to the bridging of the economic gap between developed and developing countries.
36. Non-proliferation of nuclear weapons is a matter of universal concern. Measures of disarmament must be consistent with the inalienable right of all States, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and to determine their peaceful nuclear programmes in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons. International co-operation in the peaceful uses of nuclear energy should be conducted under agreed and appropriate international safeguards applied on a non-discriminatory basis.
37. Significant progress in disarmament, including nuclear disarmament, would be facilitated by parallel measures to strengthen the security of States and to improve in general the international situation.
38. Negotiations on partial measures of disarmament should be conducted concurrently with negotiations on more comprehensive measures and should be followed by negotiations leading to a treaty on general and complete disarmament under effective international control.
39. Qualitative and quantitative disarmament measures are both important for halting the arms race. Efforts to that end must include negotiations on the limitation and cessation of the qualitative improvement of armaments, especially weapons of mass destruction and the development of new means of warfare so that ultimately scientific and technological achievements may be used solely for peaceful purposes.
40. Universality of disarmament agreements helps create confidence among States. When multilateral agreements in the field of disarmament are negotiated, every effort should be made to ensure that they are universally acceptable. The full compliance of all parties with the provisions contained in such agreements would also contribute to the attainment of that goal.

41. In order to create favourable conditions for success in the disarmament process, all States should strictly abide by the provisions of the Charter of the United Nations, refrain from actions which might adversely affect efforts in the field of disarmament, and display a constructive approach to negotiations and the political will to reach agreements. There are certain negotiations on disarmament under way at different levels, the early and successful completion of which could contribute to limiting the arms race. Unilateral measures of arms limitation or reduction could also contribute to the attainment of that goal.
42. Since prompt measures should be taken in order to halt and reverse the arms race, Member States hereby declare that they will respect the above-stated objectives and principles and make every effort faithfully to carry out the Programme of Action set forth in section III below.

### **III. Programme of Action**

43. Progress towards the goal of general and complete disarmament can be achieved through the implementation of a programme of action on disarmament, in accordance with the goals and principles established in the Declaration on disarmament. The present Programme of Action contains priorities and measures in the field of disarmament that States should undertake as a matter of urgency with a view to halting and reversing the arms race and to giving the necessary impetus to efforts designed to achieve genuine disarmament leading to general and complete disarmament under effective international control.
44. The present Programme of Action enumerates the specific measures of disarmament which should be implemented over the next few years, as well as other measures and studies to prepare the way for future negotiations and for progress toward general and complete disarmament.
45. Priorities in disarmament negotiations shall be: nuclear weapons; other weapons of mass destruction, including chemical weapons; conventional weapons, including any which may be deemed to be excessively injurious or to have indiscriminate effects; and reduction of armed forces.
46. Nothing should preclude States from conducting negotiations on all priority items concurrently.
47. Nuclear weapons pose the greatest danger to mankind and to the survival of civilisation. It is essential to halt and reverse the nuclear arms race in all its aspects in order to avert the danger of war involving nuclear weapons. The ultimate goal in this context is the complete elimination of nuclear weapons.
48. In the task of achieving the goals of nuclear disarmament, all the nuclear-weapon States, in particular those among them which possess the most important nuclear arsenals, bear a special responsibility.
49. The process of nuclear disarmament should be carried out in such a way, and requires measures to ensure, that the security of all States is guaranteed at progressively lower levels of nuclear armaments, taking into account the relative qualitative and quantitative importance of the existing arsenals of the nuclear-weapon States and other States concerned.
50. The achievement of nuclear disarmament will require urgent negotiation of agreements at appropriate stages and with adequate measures of verification satisfactory to the States concerned for:
  - cessation of the qualitative improvement and development of nuclear-weapon systems;
  - cessation of the production of all types of nuclear weapons and their means of delivery, and the production of fissionable material for weapons purposes.
  - a comprehensive phased programme with agreed time-frames, whenever feasible, for progressive and balanced reduction of stockpiles of nuclear weapons and their means of delivery, leading to their ultimate and complete elimination at the earliest possible time.



Consideration can be given in the course of the negotiations to mutual and agreed limitation or prohibition, without prejudice to the security of any State, of any types of nuclear armaments.

51. The cessation of nuclear-weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind. It would make a significant contribution to the above aim of ending the qualitative improvement of nuclear weapons and the development of new types of such weapons and of preventing the proliferation of nuclear weapons. In this context the negotiations now in progress on a "treaty prohibiting nuclear-weapon tests, and a protocol covering nuclear explosions for peaceful purposes, which would be an integral part of the treaty," should be concluded urgently and the result submitted for full consideration by the multilateral negotiating body with a view to the submission of a draft treaty to the General Assembly at the earliest possible date.

All efforts should be made by the negotiating parties to achieve an agreement which, following General Assembly endorsement, could attract the widest possible adherence.

In this context, various views were expressed by non-nuclear-weapon States that, pending the conclusion of this treaty, the world community would be encouraged if all the nuclear-weapon States refrained from testing nuclear weapons. In this connection, some nuclear-weapon States expressed different views.

52. The Union of Soviet Socialist Republics and the United States of America should conclude at the earliest possible date the agreement they have been pursuing for several years in the second series of the strategic arms limitation talks (SALT II). They are invited to transmit in good time the text of the agreement to the General Assembly. It should be followed promptly by further strategic arms limitation negotiations between the two parties, leading to agreed significant reductions of, and qualitative limitations on, strategic arms. It should constitute an important step in the direction of nuclear disarmament and ultimately of establishment of a world free of such weapons.
53. The process of nuclear disarmament described in the paragraphs on this subject should be expedited by the urgent and vigorous pursuit to a successful conclusion of on-going negotiations and the urgent initiation of further negotiations among the nuclear-weapon States.
54. Significant progress in nuclear disarmament would be facilitated both by parallel political or international legal measures to strengthen the security of States and by progress in the limitation and reduction of armed forces and conventional armaments of the nuclear-weapon States and other States in the regions concerned.
55. Real progress in the field of nuclear disarmament could create an atmosphere conducive to progress in conventional disarmament on a worldwide basis.
56. The most effective guarantee against the danger of nuclear war and the use of nuclear weapons is nuclear disarmament and the complete elimination of nuclear weapons.
57. Pending the achievement of this goal, for which negotiations should be vigorously pursued, and bearing in mind the devastating results which nuclear war would have on belligerents and non-belligerents alike, the nuclear-weapon States have special responsibilities to undertake measures aimed at preventing the outbreak of nuclear war, and of the use of force in international relations, subject to the provisions of the Charter of the United Nations, including the use of nuclear weapons.
58. In this context, all States and in particular nuclear-weapon States should consider as soon as possible various proposals designed to secure the avoidance of the use of nuclear weapons, the prevention of nuclear war and related objectives, where possible through international agreement and thereby ensure that the survival of mankind is not endangered. All States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed and which would preclude the use or threat of use of nuclear weapons.

59. In the same context, the nuclear-weapon States are called upon to take steps to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons. The General Assembly notes the declarations made by the nuclear-weapon States and urges them to pursue efforts to conclude as appropriate effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
60. The establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, constitutes an important disarmament measure.
61. The process of establishing such zones in different parts of the world should be encouraged with the ultimate objective of achieving a world entirely free of nuclear weapons. In the process of establishing such zones, the characteristics of each region should be taken into account. The States participating in such zones should undertake to comply fully with all the objectives, purposes and principles of the agreements or arrangements establishing the zones, thus ensuring that they are genuinely free from nuclear weapons.
62. With respect to such zones, the nuclear-weapon States in turn are called upon to give undertakings, the modalities of which are to be negotiated with the competent authority of each zone, in particular:
  - a. to respect strictly the status of the nuclear-weapon-free zone;
  - b. to refrain from the use or threat of use of nuclear weapons against the States of the zone.
63. In the light of existing conditions, and without prejudices to other measures which may be considered in other regions, the following measures are especially desirable:
  - a. Adoption by the States concerned of all relevant measures to ensure the full application of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), taking into account the views expressed at the special session on the adherence to it.
  - b. Signature and ratification of the Additional Protocols of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) by the States entitled to become parties to those instruments which have not yet done so.
  - c. In Africa, where the Organisation of African Unity has affirmed a decision for the denuclearisation of the region, the Security Council shall take appropriate effective steps whenever necessary to prevent the frustration of this objective.
  - d. The serious consideration of the practical and urgent steps, as described in the paragraphs above, required for the implementation of the proposal to establish a nuclear-weapon-free zone in the Middle East in accordance with the relevant General Assembly resolutions where all parties directly concerned have expressed their support for the concept and where the danger of nuclear-weapon proliferation exists. The establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. Pending the establishment of such a zone in the region, States of the region should solemnly declare that they will refrain on a reciprocal basis from producing, acquiring, or in any other way possessing nuclear weapons and nuclear explosive devices, and from permitting the stationing of nuclear weapons on their territory by any third party and agree to place all their nuclear activities under International Atomic Energy Agency safeguards. Consideration should be given to a Security Council role in advancing the establishment of a Middle East nuclear-weapon-free zone.
  - e. All States in the region of South Asia have expressed their determination of keeping their countries free of nuclear weapons. No action should be taken by them which might deviate from that objective. In this context, the question of establishing a nuclear-weapon-free zone in South Asia has been dealt with in several resolutions of the General Assembly which is keeping the subject under consideration.
64. The establishment of zones of peace in various regions of the world, under appropriate conditions, to be clearly defined and determined freely by the States concerned in the zone, taking into account the characteristics of the zone and the principles of the Charter of the

United Nations, and in conformity with international law, can contribute to strengthening the security of States within such zones and to international peace and security as a whole.

In this regard, the General Assembly notes the proposals for the establishment of zones of peace, inter alia, in:

- a. South-East Asia where States in the region have expressed interest in the establishment of such a zone, in conformity with their views;
  - b. Indian Ocean, taking into account the deliberations of the General Assembly and its relevant resolutions and the need to ensure the maintenance of peace and security in the region.
65. It is imperative as an integral part of the effort to halt and reverse the arms race, to prevent the proliferation of nuclear weapons. The goal of nuclear non-proliferation is on the one hand to prevent the emergence of any additional nuclear-weapon States beside the existing five nuclear-weapon States, and on the other progressively to reduce and eventually eliminate nuclear weapons altogether. This involves obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States, the former undertaking to stop the nuclear arms race and to achieve disarmament by urgent application of measures outlined in the relevant paragraphs of this Document, and all States undertaking to prevent the spread of nuclear weapons.
  66. Effective measures can and should be taken at the national level and through international agreements to minimise the danger of the proliferation of nuclear weapons without jeopardising energy supplies or the development of nuclear energy for peaceful purposes. Therefore, the nuclear-weapon States and the non-nuclear-weapon States should jointly take further steps to develop an international consensus of ways and means, on a universal and non-discriminatory basis, to prevent the proliferation of nuclear weapons.
  67. Full implementation of all the provisions of existing instruments on non-proliferation, such as the Treaty on the Non-Proliferation of Nuclear Weapons and/or the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco) by States parties to those instruments will be an important contribution to this end. Adherence to such instruments has increased in recent years and the hope has been expressed by the parties that this trend might continue.
  68. Non-proliferation measures should not jeopardise the full exercise of the inalienable rights of all States to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs. All States should also have access to, and be free to acquire technology, equipment and materials for peaceful uses of nuclear energy, taking into account the particular needs of the developing countries. International cooperation in this field should be under agreed and appropriate international safeguards applied through the International Atomic Energy Agency on a non-discriminatory basis in order to prevent effectively proliferation of nuclear weapons.
  69. Each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardising their respective fuel cycle policies or international co-operation, agreements, and contracts for the peaceful use of nuclear energy provided that agreed safeguard measures mentioned above are applied.
  70. In accordance with the principles and provisions of Resolution 32/50, international cooperation for the promotion of the transfer and utilisation of nuclear technology for economic and social development, especially in the developing countries, should be strengthened.
  71. Efforts should be made to conclude the work of the International Nuclear Fuel Cycle Evaluation strictly in accordance with the objectives set out in the final communique of its Organising Conference.
  72. All States should adhere to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.

73. All States which have not yet done so should consider adhering to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.
74. States should also consider the possibility of adhering to multilateral agreements concluded so far in the disarmament field which are mentioned below in this section.
75. The complete and effective prohibition of the development, production and stockpiling of all chemical weapons and their destruction represent one of the most urgent measures of disarmament. Consequently, conclusion of a convention to this end, on which negotiations have been going on for several years, is one of the most urgent tasks of multilateral negotiations. After its conclusion, all States should contribute to ensuring the broadest possible application of the convention through its early signature and ratification.
76. A convention should be concluded prohibiting the development, production, stockpiling and use of radiological weapons.
77. In order to help prevent a qualitative arms race and so that scientific and technological achievements may ultimately be used solely for peaceful purposes, effective measures should be taken to avoid the danger and prevent the emergence of new types of weapons of mass destruction based on new scientific principles and achievements. Efforts should be appropriately pursued aiming at the prohibition of such new types and new systems of weapons of mass destruction. Specific agreements could be concluded on particular types of new weapons of mass destruction which may be identified. This question should be kept under continuing review.
78. The Committee on Disarmament should keep under review the need for a further prohibition of military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use.
79. In order to promote the peaceful use of and to avoid an arms race on the sea-bed and the ocean floor and the subsoil thereof, the Committee on Disarmament is requested - in consultation with the States parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and the Subsoil Thereof, and taking into account the proposals made during the 1977 Review Conference and any relevant technological developments - to proceed promptly with the consideration of further measures in the field of disarmament for the prevention of an arms race in that environment.
80. In order to prevent an arms race in outer space, further measures should be taken and appropriate international negotiations be held in accordance with the spirit of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space including the Moon and Other Celestial Bodies.
81. Together with negotiations on nuclear disarmament measures, the limitation and gradual reduction of armed forces and conventional weapons should be resolutely pursued within the framework of progress towards general and complete disarmament. States with the largest military arsenals have a special responsibility in pursuing the process of conventional armaments reductions.
82. In particular the achievement of a more stable situation in Europe at a lower level of military potential on the basis of approximate equality and parity, as well as on the basis of undiminished security of all States with full respect for security interests and independence of States outside military alliances, by agreement on appropriate mutual reductions and limitations would contribute to the strengthening of security in Europe and constitute a significant step towards enhancing international peace and security. Current efforts to this end should be continued most energetically.
83. Agreements or other measures should be resolutely pursued on a bilateral, regional and multilateral basis with the aim of strengthening peace and security at a lower level of forces, by the limitation and reduction of armed forces and of conventional weapons, taking into

account the need of States to protect their security, bearing in mind the inherent right of self-defence embodied in the Charter of the United Nations and without prejudice to the principle of equal rights and self-determination of peoples in accordance with the Charter, and the need to ensure balance at each stage and undiminished security of all States. Such measures might include those in the following two paragraphs.

84. Bilateral, regional and multilateral consultations and conferences where appropriate conditions exist with the participation of all the countries concerned for the consideration of different aspects of conventional disarmament, such as the initiative envisaged in the Declaration of Ayacucho subscribed in 1974 by eight Latin American countries.
85. Consultations should be carried out among major arms supplier and recipient countries on the limitation of all types of international transfer of conventional weapons, based, in particular, on the principle of undiminished security of the parties with a view to promoting or enhancing stability at a lower military level, taking into account the need of all States to protect their security as well as the inalienable right to self-determination and independence of peoples under colonial or foreign domination and the obligations of States to respect that right, in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States.
86. The 1979 United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious to to have Indiscriminate Effects should seek agreement, in the light of humanitarian and military considerations, on the prohibition or restriction of use of certain conventional weapons including those which may cause unnecessary suffering or which may have indiscriminate effects. The conference should consider specific categories of such weapons, including those which were the subject-matter of previously conducted discussions.
87. All States are called upon to contribute towards carrying out this task.
88. The result of the Conference should be considered by all States and especially producer States, in regard to the question of the transfer of such weapons to other States.
89. Gradual reduction of military budgets on a mutually agreed basis, for example, in absolute figures or in terms of percentage points, particularly by nuclear-weapon States and other militarily significant States would be a measure that would contribute to the curbing of the arms race, and would increase the possibilities of reallocation of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries. The basis for implementing this measure will have to be agreed by all participating States and will require ways and means of its implementation acceptable to all of them, taking account of the problems involved in assessing the relative significance of reductions as among different States and with due regard to the proposals of States on all the aspects of reduction of military budgets.
90. The General Assembly should continue to consider what concrete steps should be taken to facilitate the reduction of military budgets bearing in mind the relevant proposals and documents of the United Nations on this question.
91. In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements.
92. In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field be considered. Every effort should be made to develop appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardise their economic and social development.
93. In order to facilitate the process of disarmament, it is necessary to take measures and pursue policies to strengthen international peace and security and to build confidence among States. Commitment to confidence-building measures could significantly contribute to preparing

for further progress in disarmament. For this purpose, measures such as the following and other measures yet to be agreed, should be undertaken:

- 1) The prevention of attacks which take place by accident, miscalculation or communications failure by taking steps to improve communications between Governments, particularly in areas of tension, by the establishment of "hot lines" and other methods of reducing the risk of conflict.
- 2) States should assess the possible implications of their military research and development for existing agreements as well as for further efforts in the field of disarmament.
- 3) The Secretary-General shall periodically submit reports to the General Assembly on the economic and social consequences of the arms race and its extremely harmful effects on world peace and security.
94. In view of the relationship between expenditure on armaments and economic and social development and the necessity to release real resources now being used for military purposes to economic and social development in the world, particularly for the benefit of the developing countries, the Secretary-General should, with the assistance of a group of qualified governmental experts appointed by him, initiate an expert study on the relationship between disarmament and development. The Secretary-General should submit an interim report on the subject to the General Assembly at its thirty-fourth session and submit the final results to the Assembly at its thirty-sixth session for subsequent action.
95. The expert study should have the terms of reference contained in the report of the Ad Hoc Group on the Relationship between Disarmament and Development appointed by the Secretary-General in accordance with General Assembly resolution 32/88 A of 12 December 1977. It should investigate the three main areas listed in the report, bearing in mind the United Nations studies previously carried out. The study should be made in the context of how disarmament can contribute to the establishment of the new international economic order. The study should be forward-looking and policy-oriented and place special emphasis on both the desirability of a reallocation, following disarmament measures, of resources now being used for military purposes to economic and social development, particularly for the benefit of the developing countries and the substantive feasibility of such a reallocation. A principal aim should be to produce results that could effectively guide the formulation of practical measures to reallocate those resources at the local, national, regional and international levels.
96. Taking further steps in the field of disarmament and other measures aimed at promoting international peace and security would be facilitated by carrying out studies by the Secretary-General in this field with appropriate assistance from governmental or consultant experts.
97. The Secretary-General shall, with the assistance of consultant experts, appointed by him, continue the study of the inter-relationship between disarmament and international security and submit it to the thirty-fourth session of the General Assembly, as requested in resolution A/RES/32/87C.
98. The thirty-third and subsequent sessions of the General Assembly should determine the specific guidelines for carrying out studies, taking into account the proposals already submitted including those made by individual countries at the special session, as well as other proposals which can be introduced later in this field. In doing so, the General Assembly would take into consideration a report on these matters prepared by the Secretary-General.
99. In order to mobilise world public opinion on behalf of disarmament, the specific measures set forth below, designed to increase the dissemination of information about the armaments race and the efforts to halt and reverse it, should be adopted.
100. Governmental and non-governmental information organs and those of the United Nations and its specialised agencies should give priority to the preparation and distribution of printed and audio-visual material relating to the danger represented by the armaments race

as well as to the disarmament efforts and negotiations on specific disarmament measures.

101. In particular, publicity should be given to the final documents of the special session.
102. The General Assembly proclaims a week starting 24 October, the day of the foundation of the United Nations, as a week devoted to fostering the objectives of disarmament.
103. To encourage study and research on disarmament the United Nations Centre for Disarmament should intensify its activities in the presentation of information concerning the armaments race and disarmament. Also, the United Nations Educational, Scientific and Cultural Organisation (UNESCO) is urged to intensify its activities aimed at facilitating research and publications on disarmament, related to its fields of competence, especially in developing countries, and should disseminate the results of such research.
104. Throughout this process of disseminating information about the developments in the disarmament field of all countries, there should be increased participation by non-governmental organisations concerned with the matter, through closer liaison between them and the United Nations.
105. Member States should be encouraged to ensure a better flow of information with regard to the various aspects of disarmament to avoid dissemination of false and tendentious information concerning armaments and to concentrate on the danger of escalation of the armaments race and on the need for general and complete disarmament under effective international control.
106. With a view to contributing to a greater understanding and awareness of the problems created by the armaments race and of the need for disarmament, Governments and governmental and non-governmental international organisations are urged to take steps to develop programmes of education for disarmament and peace studies at all levels.
107. The General Assembly welcomes the initiative of the United Nations Educational, Scientific and Cultural Organisation in planning to hold a world congress on disarmament education and, in this connection, urges that organisation to step up its programme aimed at the development of disarmament education as a distinct field of study through the preparation, inter alia, of teachers' guides, textbooks, readers and audio-visual materials. Member States should take all possible measures to encourage the incorporation of such materials in the curricula of their educational institutes.
108. In order to promote expertise in disarmament in more Member States, particularly in the developing countries, the General Assembly decides to establish a programme of fellowships on disarmament. The Secretary-General, taking into account the proposal submitted to the special session, should prepare guidelines for the programme. He should also submit the financial requirements of 20 fellowships at the thirty-third regular session of the General Assembly, for inclusion in the regular budget of the United Nations bearing in mind the savings that can be made within the existing budgetary appropriations.
109. Implementation of these priorities should lead to general and complete disarmament under effective international control, which remains the ultimate goal of all efforts exerted in the field of disarmament. Negotiations on general and complete disarmament shall be conducted concurrently with negotiations on partial measures of disarmament. With this purpose in mind, the Committee on Disarmament will undertake the elaboration of a comprehensive programme of disarmament encompassing all measures thought to be advisable in order to ensure that the goal of general and complete disarmament under effective international control becomes a reality in a world in which international peace and security prevail and in which the new international economic order is strengthened and consolidated. The comprehensive programme should contain appropriate procedures for ensuring that the General Assembly is kept fully informed of the progress of the negotiations including an appraisal of the situation when appropriate and, in particular, a continuing review of the implementation of the programme.

110. Progress in disarmament should be accompanied by measures to strengthen institutions for maintaining peace and the settlement of international disputes by peaceful means. During and after the implementation of the programme of general and complete disarmament, there should be taken, in accordance with the principles of the United Nations Charter, the necessary measures to maintain international peace and security, including the obligation of States to place at the disposal of the United Nations agreed manpower necessary for an international peace force to be equipped with agreed types of armaments. Arrangements for the use of this force should ensure that the United Nations can effectively deter or suppress any threat or use of arms in violation of the purposes and principles of the United Nations.
111. General and complete disarmament under strict and effective international control shall permit States to have at their disposal only those non-nuclear forces, armaments, facilities and establishments as are agreed to be necessary to maintain internal order and protect the personal security of citizens and in order that States shall support and provide agreed manpower for a United Nations peace force.
112. In addition to the several questions dealt with in this Programme of Action, there are a few others of fundamental importance, on which, because of the complexity of the issues involved and the short time at the disposal of the special session, it has proved impossible to reach satisfactory agreed conclusions. For those reasons they are treated only in very general terms and, in a few instances even not treated at all in the Programme.

It should be stressed, however, that a number of concrete approaches to deal with such questions emerged from the exchange of views carried out in the General Assembly which will undoubtedly facilitate the continuation of the study and negotiation of the problems involved in the competent disarmament organs.

#### **IV. Machinery**

113. While disarmament, particularly in the nuclear field, has become a necessity for the survival of mankind and for the elimination of the danger of nuclear war, little progress has been made since the end of the Second World War. In addition to the need to exercise political will, the international machinery should be utilised more effectively and also improved to enable implementation of the Programme of Action and help the United Nations to fulfil its role in the field of disarmament.

In spite of the best efforts of the international community, adequate results have not been produced with the existing machinery. There is, therefore, an urgent need that existing disarmament machinery be revitalised and forums appropriately constituted for disarmament deliberations and negotiations with a better representative character.

For maximum effectiveness, two kinds of bodies are required in the field of disarmament - deliberative and negotiating. All Member States should be represented on the former, whereas the latter, for the sake of convenience, should have a relatively small membership.

114. The United Nations, in accordance with the Charter, has a central role and primary responsibility in the sphere of disarmament. Accordingly, it should play a more active role in this field, and in order to discharge its functions effectively, the United Nations should facilitate and encourage all disarmament measures - unilateral, bilateral, regional or multilateral - and be kept duly informed through the General Assembly, or any other appropriate United Nations channel reaching all Members of the Organisation, of all disarmament efforts outside its aegis without prejudice to the progress of negotiations.
115. The General Assembly has been and should remain the main deliberative organ of the United Nations in the field of disarmament and should make every effort to facilitate the implementation of disarmament measures.

An item entitled 'Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session' shall be included in the provisional agenda of the thirty-third and subsequent sessions of the General Assembly.



116. Draft multilateral disarmament conventions should be subjected to the normal procedures applicable in the law of treaties. Those submitted to the General Assembly for its commendation should be subject to full review by the Assembly.
117. The First Committee of the General Assembly should deal in the future only with questions of disarmament and related international security questions.
118. The General Assembly establishes, as successor to the Commission originally established by resolution 502 (VI), a Disarmament Commission composed of all Members of the United Nations.

The General Assembly decides that:

- a. The Disarmament Commission shall be a deliberative body, a subsidiary organ of the General Assembly, the function of which shall be to consider and make recommendations on various problems in the field of disarmament and to follow up the relevant decisions and recommendations of the special session devoted to disarmament. The Disarmament Commission should, inter alia, consider the elements of a comprehensive programme for disarmament to be submitted as recommendations to the General Assembly and, through it, to the negotiating body, the Committee on Disarmament;
  - b. The Disarmament Commission shall function under the rules of procedure relating to the committees of the General Assembly with such modifications as the Commission may deem necessary and shall make every effort to ensure that, in so far as possible, decisions on substantive issues be adopted by consensus;
  - c. The Disarmament Commission shall report annually to the General Assembly. It will submit for the consideration by the thirty-third session of the General Assembly a report on organisational matters. In 1979, the Disarmament Commission will meet for a period not exceeding four weeks, the dates to be decided at the thirty-third session of the General Assembly;
  - d. The Secretary-General shall furnish such experts, staff and services as are necessary for the effective accomplishment of the Commission's functions.
119. A second special session of the General Assembly devoted to disarmament should be held on a date to be decided by the General Assembly at its thirty-third session.
  120. The General Assembly is conscious of the work that has been done by the international negotiating body that has been meeting since March 14, 1962 as well as the considerable and urgent work that remains to be accomplished in the field of disarmament.

The General Assembly is deeply aware of the continuing requirement for a single multilateral disarmament negotiating forum of limited size taking decisions on the basis of consensus. It attaches great importance to the participation of all the nuclear-weapon States in an appropriately constituted negotiating body: the Committee on Disarmament.

The General Assembly welcomes the agreement reached following appropriate consultations among the member States during the Special Session of the General Assembly Devoted to Disarmament that the Committee on Disarmament will be open to the nuclear-weapon States, and 32 to 35 other States to be chosen in consultation with the President of the thirty-second session of the General Assembly; that the membership of the Committee on Disarmament will be reviewed at regular intervals; that the Committee on Disarmament will be convened in Geneva not later than January 1979 by the country whose name appears first in the alphabetical list of membership; and that the Committee on Disarmament will:

- a. Conduct its work by consensus;
- b. Adopt its own rules of procedure;
- c. Request the Secretary-General of the United Nations, following consultations with the Committee on Disarmament, to appoint the Secretary of the Committee, who shall also act as his personal representative, to assist the Committee and its Chairman in organising the business and timetables of the Committee;

- d. Rotate the chairmanship of the Committee among all its members on a monthly basis;
- e. Adopt its own agenda taking into account the recommendations made to it by the General Assembly and the proposals presented by the members of the Committee;
- f. Submit a report to the General Assembly annually, or more frequently as appropriate, and provide its formal and other relevant documents to the Member States of the United Nations on a regular basis;
- g. Make arrangements for interested States, not members of the Committee, to submit to the Committee written proposals or working documents on measures of disarmament that are the subject of negotiation in the Committee and to participate in the discussion of the subject matter of such proposals or working documents;
- h. Invite States not members of the Committee, upon their request, to express views in the Committee when the particular concerns of those States are under discussion;
- i. Open its plenary meetings to the public unless otherwise decided.

- 121. Bilateral and regional disarmament negotiations may also play an important role and could facilitate negotiations of multilateral agreements in the field of disarmament.
- 122. At the earliest appropriate time, a world disarmament conference should be convened with universal participation and with adequate preparation.
- 123. In order to enable the United Nations to continue to fulfil its role in the field of disarmament and to carry out the additional tasks assigned to it by this special session, the United Nations Centre for Disarmament should be adequately strengthened- and its research and information functions accordingly extended.

The Centre should also take account fully of the possibilities offered by United Nations specialised agencies and other institutions and programmes within the United Nations system with regard to studies and information on disarmament. The Centre should also increase contacts with non-governmental organisations and research institutions in view of the valuable role they play in the field of disarmament. This role could be encouraged also in other ways that - may be considered as appropriate.

- 124. The Secretary-General is requested to set up an advisory board of eminent persons, selected on the basis of their personal expertise and taking into account the principle of equitable geographical representation, to advise him on various aspects of studies to be made under the auspices of the United Nations in the field of disarmament and arms limitation, including a programme of such studies.
- 125. The General Assembly notes with satisfaction that the active participation of the Member States in the consideration of the agenda items of the special session and the proposals and suggestions submitted to them and reflected to a considerable extent in the Final Document have made a valuable contribution to the work of the special session and to its positive conclusion.

Since a number of those proposals and suggestions, which have become an integral part of the work of the special session, deserve to be studied further and more thoroughly, taking into consideration the many relevant comments and observations made both in the general debate of the plenary and the deliberations of the Ad Hoc Committee, the Secretary General is requested to transmit, together with this Final Document, to the appropriate deliberative and negotiating organs dealing with the questions of disarmament all the official records of the special session of the General Assembly devoted to disarmament, in accordance with the recommendations which the Assembly may adopt at its thirty-third session. Some of the proposals put forth for consideration of the special session of the Assembly are listed below:

- a. Text of the decision of the Central Committee of the Romanian Communist Party concerning Romania's position on disarmament and, in particular, on nuclear disarmament, adopted on 9 May 1978 (A/S- 10/14);

- b. Views of the Swiss Government on problems to be discussed at the tenth special session of the General Assembly (A/S-10/AC.1/2);
- c. Proposals of the Union of Soviet Socialist Republics on practical measures for ending the arms race (A/S-10/AC.1/4);
- d. Memorandum from France concerning the establishment of an International Satellite Monitoring Agency (A/S-10/AC.1/7);
- e. Memorandum from France concerning the establishment of an International Institute for Disarmament Research (A/S-10/AC.1/8);
- f. Proposal by Sri Lanka for the establishment of a World Disarmament Authority (A/S-10/AC.1/9 and Add. 1);
- g. Working paper submitted by the Federal Republic of Germany entitled "Contribution to the seismological verification of a comprehensive test ban" (A/S-10/AC.1/12);
- h. Working paper submitted by the Federal Republic of Germany entitled "Invitation to attend an international chemical-weapon verification workshop in the Federal Republic of Germany" (A/S-10/AC.1/13);
- i. Working paper on disarmament submitted by China (A/S-10/AC.1/17);
- j. Working paper submitted by the Federal Republic of Germany concerning zones of confidence-building measures as a first step towards the preparation of a world-wide convention on confidence-building measures (A/S-10/AC.1/20);
- k. Proposal by Ireland for a study of the possibility of establishing a system of incentives to promote arms control and disarmament (A/S-10/AC.1/21);
- l. Working paper submitted by Romania concerning a synthesis of the proposals in the field of disarmament (A/S-10/AC.1/23);
- m. Proposal by the United States of America on the establishment of a United Nations Peacekeeping Reserve and on confidence-building measures and stabilising measures in various regions, including notification of manoeuvres, invitation of observers to manoeuvres, and United Nations machinery to study and promote such measures (A/S-10/AC.1/24);
- n. Proposal by Uruguay on the possibility of establishing a polemological agency (A/S-10/AC.1/25);
- o. Proposal by Belgium, Canada, Denmark, Germany, Federal Republic of, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the strengthening of the security role of the United Nations in the peaceful settlement of disputes and peacekeeping (A/S-10/AC.1/26 and Corr. 1 and 2);
- p. Memorandum from France concerning the establishment of an International Disarmament Fund for Development (A/S-10/AC.1/28);
- q. Proposal by Norway entitled "Evaluation of the impact of new weapons on arms control and disarmament efforts" (A/S-10/AC.1/31);
- r. Note verbale transmitting the text, signed in Washington on 22 June 1978, by the Ministers for Foreign Affairs of Argentina, Bolivia, Chile, Colombia, Ecuador, Panama, Peru and Venezuela, reaffirming the principles of the Declaration of Ayacucho with respect to the limitation of conventional weapons (A/S-10/AC.1/34);
- s. Memorandum from Liberia entitled "Declaration of a new philosophy on disarmament" (A/S-10/AC.1/35);
- t. Statements made by the representatives of China on 22 June 1978, on the draft Final Document of the tenth special session (A/S-10/AC.1/36);
- u. Proposal by the President of Cyprus for the total demilitarisation and disarmament of the Republic of Cyprus and the implementation of the resolutions of the United Nations (A/S-10/AC.1/39);

- v. Proposal by Costa Rica on economic and social incentives to halt the arms race (A/S-10/AC.1/40);
  - w. Amendments submitted by China to the draft Final Document of the tenth special session (A/S-10/AC.1/L.2 to L.4, A/S-10/AC.1/L.7 and L.8);
  - x. Proposals by Canada for the implementation of a strategy of suffocation of the nuclear arms race (A/S-10/AC.1/L.6);
  - y. Draft resolution submitted by Cyprus, Ethiopia and India on the urgent need for cessation of further testing of nuclear weapons (A/S-10/AC.1/L.10);
  - z. Draft resolution submitted by Ethiopia and India on the non-use of nuclear weapons and prevention of nuclear war (A/S-10/AC.1/L.11);
  - aa. Proposal by the non-aligned countries on the establishment of a zone of peace in the Mediterranean (A/S-10/AC.1/37, para. 72);
  - bb. Proposal by the Government of Senegal for a tax on military budgets (A/S-10/AC.1/37, para. 101);
  - cc. Proposal by Austria for the transmission to Member States of working paper A/AC.187/109 and the ascertainment of their views on the subject of verification (A/S-10/AC.1/37, para. 113);
  - dd. Proposal by the non-aligned countries for the dismantling of foreign military bases from foreign territories and withdrawal of troops from foreign territories (A/S-10/AC.1/37, para. 126);
  - ee. Proposal by Mexico for the opening, on a provisional basis, of an Ad Hoc account in the United Nations Development Programme to use for development the funds which may be released as a result of disarmament measures (A/S-10/AC.1/37, para. 141);
  - ff. Proposal by Italy on the role of the Security Council in the field of disarmament in accordance with Article 26 of the United Nations Charter (A/S-10/AC.1/37, para. 179);
  - gg. Proposal by the Netherlands for a study on the establishment of an international disarmament organisation (A/S-10/AC.1/37, para. 186).
126. In adopting this Final Document, the States Members of the United Nations solemnly reaffirm their determination to work for general and complete disarmament and to make further collective efforts aimed at strengthening peace and international security; eliminating the threat of war, particularly nuclear war; implementing practical measures aimed at halting and reversing the arms race; strengthening the procedures for the peaceful settlement of disputes; and reducing military expenditures and utilising the resources thus released in a manner which will help to promote the well-being of all peoples and to improve the economic conditions of the developing countries.
127. The General Assembly expresses its satisfaction that the proposals submitted to its special session devoted to disarmament and the deliberations thereon have made it possible to reaffirm and define in this Final Document fundamental principles, goals, priorities and procedures for the implementation of the above purposes, either in the Declaration or the Programme of Action or in both. The Assembly also welcomes the important decisions agreed upon regarding the deliberative and negotiating machinery and is confident that these organs will discharge their functions in an effective manner.
128. Finally, it should be borne in mind that the number of States that participated in the general debate, as well as the high level of representation and the depth and scope of that debate, are unprecedented in the history of disarmament efforts. Several Heads of State or Government addressed the General Assembly. In addition, other Heads of State or Government sent messages and expressed their good wishes for the success of the special session of the Assembly. Several high officials of specialised agencies and other institutions and programmes within the United Nations system and spokesmen of 25 non-governmental organisations and six research institutes also made valuable contributions to the proceedings of the session. It

must be emphasised, moreover, that the special session marks not the end but rather the beginning of a new phase of the efforts of the United Nations in the field of disarmament.

129. The General Assembly is convinced that the discussions of the disarmament problems at the special session and its Final Document will attract the attention of all peoples, further mobilise world public opinion and provide a powerful impetus for the cause of disarmament.

## **Chapter VIII – Annex II**

**CONFERENCE ON DISARMAMENT**

CD/819/Rev.1  
27 July 1989

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Group of 21

Draft mandate for an Ad hoc Committee on item 2 of the agenda  
of the Conference on Disarmament - Cessation of the nuclear  
arms race and nuclear disarmament

1. In the discharge of its responsibility as the single multilateral disarmament negotiating forum, in accordance with paragraph 120 of the Final Document of SSOD-I, the Conference on Disarmament decides to establish an Ad hoc Committee under item 2 entitled "Cessation of the nuclear arms race and nuclear disarmament".
2. The Conference requests the Ad hoc Committee, as a first step, to elaborate on paragraph 50 of the Final Document and to identify substantive issues for multilateral negotiations as follows:
  - (i) the elaboration and clarification of the stages of nuclear disarmament envisaged in paragraph 50 of the Final Document including identification of the responsibilities of the nuclear weapon States and the role of the non-nuclear weapon States in the process of achieving nuclear disarmament;
  - (ii) clarification of the issues involved in prohibiting the use or threat of use of nuclear weapons, pending nuclear disarmament, and in the prevention of nuclear war;
  - (iii) clarification of the issues involved in eliminating reliance on doctrines of nuclear deterrence;
  - (iv) measures to ensure an effective discharge by the CD of its role as the single multilateral negotiating body in the field of disarmament and in this context its relationship with negotiations relating to nuclear disarmament conducted in bilateral, regional and other restricted forums.
3. The Ad hoc Committee will take into account all existing proposals and future initiatives and report on its work to the Conference on Disarmament before the end of its 1989 session.

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