

Country file
387) Ambassador Elhassen's mission
meeting Notes 1-15 November 1989

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Orig : SG
CC : Ambassador Eliasson
M. Picco
Mrs. Karam

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE PRESIDENT OF IRAQ

(held in Baghdad on 1 November 1989)

In Attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden

H.E. Mr. Saddam Hussain
President of Iraq
H.E. Mr. Tariq Aziz,
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry
of Foreign Affairs.
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conferences Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri,
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office
of the Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister
Dr. Zubeidy
Interpreter of the President

After words of greetings, Ambassador Eliasson said that at some stages it was important to work more intensely. He said: "This time I am staying in the area for an extended period to have in depth discussions on both sides. The President responded that the problem deserved this approach.

Ambassador Eliasson continued: "I bring you the Secretary-General's warmest and very best greetings. He is personally very much committed to achieving peace between the peoples and Governments of Iran and Iraq. Before my coming here we worked intensely to make it possible to achieve a new momentum. Recently he prepared a

report to the Security Council in connection with the renewal of the mandate of UNIIMOG. This report was well received by the Security Council and the renewal of the force was accepted. We also have very good contact with the Security Council members. There is a strong desire from the Security Council and the Secretary-General to help you move out of the no war-no peace situation." (The Ambassador handed over a letter from the Secretary-General. The letter was read out to the President by an interpreter.) The President then said: "Let me hear from you first."

Ambassador Eliasson said: "This is a period where we should set a positive trend. We had for too long lack of movement in implementation of resolution 598. We do not want the resolution to take the unfortunate character of other resolutions, such as the ones on the Middle East and Namibia, which have been unimplemented far too long with grave implications for the regions concerned. In the work of the United Nations there is a new optimism. There are new signals from the Soviet Union and an improved climate in East-West relations. This had led to certain improvements in the work of the UN. We had had a few successes. We have a continued need for this momentum in the issue of the Iran-Iraq conflict. We have a very good resolution to follow. I often call it a road map. If we follow it correctly, we will arrive at the right destination in the end. We have no choice. Resolution 598 can and should be followed. We hope to make real progress with you and the Iranian side.

"Our philosophy is simple. The resolution should be followed as an "integrated whole". We need to make certain that steps are taken so that the process is not interrupted. We can discuss several methods to ensure how this can be done. We can introduce elements of time relationships; assurances could be developed - which would be given added weight by being presented to the Secretary-General and to the Security Council. We could work out acceptable formulas. We know the concern on your side that once the first steps were taken, the rest of the resolution would not be implemented. We take this concern seriously. This goes for the Secretary-General and the Security Council. The phrase "integrated whole" was introduced by the Security Council.

"There is a second part of our philosophy. As in all endeavours, there needs to be a start. It is like an engine in a car. It must run for the whole trip and not stop after fifteen minutes. But on the other hand, the key has to be put in the ignition for the car to start. Otherwise we cannot reach our destination. Therefore, there is a need for courage and leadership to take the necessary first steps which must not be seen in isolation, but as an integrated part of the implementation of the resolution. Some aspects with regard to such a beginning have been discussed with you. We would like to discuss these

elements with you and the relationship between them and also between them and the rest of the resolution to ensure absolute and full implementation and that we will make sincere efforts to achieve peace.

"At this juncture it is very important that both sides give signals to assure the world and the other side that you are planning for peace. I would like to commend you for the reconstruction efforts that you are undertaking, particularly in the border areas. This is positive for your own people and a signal to others that you see a future in peaceful reconstruction. If this continues on both sides and is appropriately encouraged by the international community, we can make further contribution to peace. We could stabilize the cease-fire and put to rest concerns that there are risks for new confrontation. By putting the stress on peaceful reconstruction we can solidify the peace trend which could have an effect on the deep distrust on both sides.

"As to the POW's - an issue which we know is of great concern to you - we will continue to press on this issue. The ICRC is doing the same. In order to get out of the deadlock any measure you can take - even of a unilateral nature will be deeply appreciated by the people concerned and by the international community. It will have a positive effect on the other side, putting them under pressure to act in the same way. It would be an act of statesmanship to act first and start this important process. This goes of course for the whole resolution."

The President states: "I hope you will have an opportunity to talk in depth with my Foreign Minister on these matters. I would like to reiterate our desire to achieve peace as soon as possible and our readiness to co-operate in order to reach this noble objective. But there are certain images in my mind after 8 years of war that remind me of a few things which I need to address in candor and directly, as I always do. I know you have to speak to us as you speak to them. It is your duty to push things towards peace. There is no disagreement as to our objectives. We might disagree as to methods and formulas. This is as it has always been between ourselves and the UN. We do not budge from the objectives of peace and our willingness to co-operate. Before and since resolution 598 we were always clear as to our commitments.

"You said you don't want 598 to be a resolution like other resolutions. How can we guarantee that 598 will not be like 242 or 338? What makes us believe that 598 will become a different kind of resolution? As far as the UN is concerned we have nothing with which to convince people that this resolution will be different unless you have something new from the other side, which addresses the realities of the situation. In your preliminary statement you

put us and Iran on equal planes. We understand your duty. But you should not believe that such treatment is in fact correct. A just politician is one who addresses problems not in isolation from other matters but who sees each step as a part of the whole distance - be it the starting step or the last step. The resolution is an integrated whole. We understand matters to be such. You said that he who follows 598 as a road map will reach his destination. We don't disagree. But you said political courage is required to bring about the first step so that the way will be open for other steps. You said a first step is required from Iraq and Iran. In your place I would have said the same; but I would actually have tried to make the Iranians take the first step in order to be logical and just.

"Iraq followed a policy of peace since September 1980 until the 8 August 1988 agreement and up to this hour. The course is documented in detail. It is not only what we say today. But what is the record in Iran? Iraq has taken responsible and deliberate steps. Can you tell us what steps the Iranians have taken in this regard? We accepted the first Security Council resolution and the last which was 598 - the last within two days of adoption, which is the minimum you need to have a leadership meeting and express agreement in a document. Don't forget when Iran accepted 598. This record should not be forgotten. You should recall what the Iranians have done in return. You remember the military situation before 8 August; how the situation was on both sides. Yet, when Iran agreed to the 8 August agreement, we accepted immediately. Had the situation been the reverse - what then would the outcome of the situation have been? During the last liberation battles we entered more than 7 Iranian towns and penetrated more than 70 km into Iranian territory. Iraq withdrew from all these parts because we have no interest in one inch of Iranian territory. Satellites can confirm this to you. We had sometimes more than 40 kms distance between the forces. They continued for more than three months to be afraid even to come close. Then they started sending reconnaissance personnel. Doesn't this signify we truly want peace. And now we are asked to show our intentions once again. What assurances can you see on record? We disbanded a whole army corps and announced also disbandment of some divisions. We froze all activities in our people's army until further notice. We closed its headquarters. We reconstructed Basrah and Fao within simple rifle range from the Iranians. Then the Iranians committed another folly over which another party could have restarted the war: I refer to the tugboat incident where Iranian personnel jumped on board and killed the captain cold-bloodedly when he refused to go to Iran. Then they lied and described the incident as having occurred with a non-Iranian boat. According to your records, did Iraq ever tell you any lie or give you any unsubstantiated statement?

"We don't use language of threat, except once in 1986 when Iran used the slogan of the "decisive year". In one of my published letters I used strong language. Because we want peace it is our duty to bring to their attention dangerous areas where they shouldn't tread.

"War doesn't always start from top decisions - it may simply escalate. Had it not been for the Fao celebrations our navy and air force would have responded. They have strict orders to repel any attack vigorously. But because we have a reasonable commander of the navy he asked us in Fao what he should do and we said he should not reply. Let's see what the UN will do - after that you still retain the right to reply. So we have a long rich record to confirm our desire for peace. The Iranians should now take the steps that may open a convincing record as to their true desire for peace.

"Give my regards to the Secretary-General and my expression of gratitude for his letter. If you succeed and achieve peace we'll be happier than him and certainly happier than the Iranians.

Mr. Eliasson: "You mentioned this resolution and others and why we expect quicker implementation for 598."

President: "You remember when and how 598 was adopted - the military circumstances - and still Iran did not accept it. Had Iran accepted immediately - occupying Fao, Majnoon, Pengwin, Salamcha - how would they have had it implemented? They sure did not accept the resolution. Their objectives were much bigger than the occupation of the territory they hold. In August 1988, we could have told the Security Council that resolution 598 was adopted in different circumstances and said: let us discuss a new resolution. Don't you think the Security Council would have responded? Iran too? But as our desire for peace had nothing to do with the military situation, we did not say this. The desire for peace is related to our attitude and the life we want for our people; we had a firm commitment to peace and also to maintaining our national interests."

In 1987, when there were very fierce battles east of Basrah, we refused the French and Soviet proposal for a cease-fire. We would not accept just a cease-fire, having fought 7 years. We wanted a resolution that would end the war. The French and the Soviets were afraid at the prospect that Basrah might fall - we said it wouldn't and if it did Iraq was not just Basrah. Representatives of the permanent members of the Security Council were assured we had no intention to occupy one inch of Iranian territory, but if Iran insisted on one inch from us we would continue to fight endlessly. This position never changed."

Mr. Eliasson: "Evidently, the position could have been worse. It was wise of you to take the action you did by going back, and as closely as possible, to the IRB."

President: "In practice we withdrew to the IRB. There is a small hill here or there with an Iraqi position - it was not arranged where our position should be - we stayed where we were - we had withdrawn. When the military had views that this should not be a no-man's land, we stayed where it said we should. We didn't consider that an unusual situation. If when the war was finally over we had built a border post on those hill tops, it would be different."

Mr. Eliasson: "The difference is approximately 2,000 km². I am glad you said you have no intention to keep territory."

President: "Iran is now occupying our waters. The Shatt-Al-Arab is ours. We cannot use the Shatt-Al-Arab. From our point of view, that is occupation."

Mr. Eliasson: "This is a different and difficult issue. I was thinking about the land area, and the actions you took at the end of the war. The Iranians reply that they withdrew from Iraqi territory before the cease-fire."

President: "We will accept it if you believe it."

Mr. Eliasson: "Resolution 598 - as compared with certain other resolutions is different because both sides are unhappy with the no war-no peace situation. The situation is not dramatic but still very serious and the Security Council members are concerned with the lack of implementation. It should be possible to achieve a fair and balanced package which could combine the interests of both sides: cease the Iraqi presence in Iranian territory, consolidate the cease-fire; return the POW's to their families and restore the historic waterway between your two countries - which symbolizes your relationship. It is legitimate to take into account your concerns about the resolution as an integrated whole - so that you will reach your destination. We will have difficulties presenting some of the aspects of my presentation to the other side. They are afraid any discussions about intentions and 'integrated whole' would lead to procrastination of implementation."

"I was sorry to hear about the tugboat incident. I'll have a meeting with Gen. Jovic to discuss this. The Secretary-General has been in direct contact with the Iranian representative in New York about the action taken by the revolutionary guards in your embassy. We had an initial message saying the revolutionary guards had been asked to leave. We expressed concern to the Iranian side about the remaining construction. The preliminary response seemed relatively positive."

"We are also working into the direction of trying to have a meaningful meeting. The format has not been too effective as of

yet. I hope one of the results could be that we have such a meeting, well prepared in substance and with a suitable format. My aim is to speak fully and extensively about the possibility of a package, tying it to the resolution as an integrated whole, and to achieve a discussion on this in a meeting at an appropriate time. I hope something could be done to send the right signals to the world on reconstruction and POW's, issues which are followed closely by the international community."

President: "As to the POW's, this issue is not related to negotiations but to standing agreements. How can we trust a party which is not willing to honour standing agreements, e.g. the Geneva Convention. We were generous and magnanimous with them in 1988, 1989, and after Khomeini's death. I do not refer to our media but they know how magnanimous we were. They had a difficult situation. Now they seem to have restructured. They have formed their Government. No one should give them excuses with regard to steps towards peace. Any steps towards peace will be received with encouragement from us and others. Let them not worry about a slice of Iranian land where there is an Iraqi post here and there. We have no ambition there. That is how we educate our people. They had coveted ambitions. This was evident when they occupied Penguin and talked about the exploitation of minerals, the same in Majnoon; and when they occupied Fao, they had addressed Kuwait as their new neighbour. Our records do not show such statements by Iraq.

"We are pleased to see you in Baghdad. You do not have a problem with Baghdad. You came first to Baghdad simply for protocol reasons. Last time you visited Tehran first. Iran should not expect a prize in the end when they have escaped punishment from the UN."

Mr. Eliasson: "I'll visit the capitals three times. I'll be in Iran on Friday. I am hopeful to see President Rafsanjani and hope this trend will go in the direction you have been asking for so long, namely, to deal with an authoritative government with a clear decision-making process. I shall fairly and thoroughly discuss with Iran and come back to give you my impressions. I hope there will be meaningful steps towards implementation. I assured the Secretary-General that I will do the utmost to reduce the gap between the two sides."

President: "I wish you success."

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

Held in Baghdad
on Wednesday 1 November 1989, at 18:30 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conference Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister
Mr. Zubeidy
Interpreter to the President

After words of welcome by the Foreign Minister, the Personal Representative of the Secretary-General said it was the Secretary-General's hope that progress could be made and that the current effort would be an in depth process dealing with the issues and ways to move forward. Referring to that morning's meeting with the President, he said it had been very useful and it had been a great honour to have that meeting so early in the programme. He then expressed General Jovic's gratitude and appreciation for Iraq's co-operation with UNIIMOG.

The Minister replied that it was Iraq's duty to facilitate that mission which was to keep the cease-fire holding.

The Personal Representative noted the importance of the current juncture in time where momentum in the peace process should be obtained. All were concerned about the situation of no war-no peace, which not only hampered progress in implementation of the resolution but also progress by both countries in planning for a future in peace. He would do his utmost to contribute to diminishing the risks of a continuation of that situation. He and the Secretary-General had stressed, in accordance with the views of the Security Council, that the resolution should be implemented as an "integrated whole". It was a peace plan, and a road map to be followed scrupulously.

The Personal Representative referred to the Secretary-General's report on the occasion of the renewal of UNIIMOG and drew attention to the observations section where the positions of the two sides had been outlined along with a philosophy of the work ahead: the resolution as an integrated whole and the legitimacy of providing assurances to that effect. He agreed with the Minister that partial implementation would be dangerous. Implementation was part of an on-going process, and he was willing to discuss ways to bring about an even stronger emphasis on the resolution as an integrated whole in terms of substance and form. The other aspect of the philosophy was the importance that implementation begin with concrete steps. He saw the need to move on certain matters to which the Security Council also attached significance. Along with what was contained in para. 41 of the report would be freedom of navigation and the need to restore the waterway. The resolution, the 8 August letter, the 1 October presentation and the subsequent very important discussions and particularly those relating to principles of international law formed a basis for discussion. The challenge was to work on the resolution as an integrated whole and how to begin implementation. The ignition key should turn on the engine and one should make certain the destination, which was peace and good neighbourliness between Iran and Iraq, was reached.

He hoped the next day would provide an opportunity to discuss substantive elements that had to be faced. The ad referendum technique could be used to discuss substantive issues on the premise that a package was not being put on the table but aspects were being discussed at a diplomatic level to save time later. When there was a green light the package agreed to ad referendum could be brought out. That would facilitate his work greatly when he visited Tehran.

The Minister expressed his Government's appreciation for the Secretary-General having sent the Personal Representative to the area to explore possibilities of moving forward. In previous discussions he had supported such a method especially since the effort to have real direct talks had so far failed. He then referred to the decision to make Baghdad the first stop in the shuttle as having been taken for protocol reasons. His Government would have greatly preferred to have been the second stop. Referring to that morning's meeting, he said his President had wanted to explain how Iraq assessed the positions of the two sides as well as the history of the conflict. Resolution 598 in the end was a peace plan. The provisions of the resolution were details and the main picture was a comprehensive and lasting peace. When the UN took the responsibility to bring about peace between the two sides, the first step was to be sure of the intentions of both sides. Without genuine desire on both sides, peace could not be achieved. Then the UN would have to decide how to face that situation. Although resolution 598 had been adopted with the great support of the Security Council and the international community, the war still had continued for another year. His Government could not forget how the war had been ended. It was a fact that Iran had been militarily defeated, although he did not expect the UN to publicly endorse that fact. However, as his President had said, one must take into consideration that historical fact.

He then referred to the argument that had ensued when Iran had been about to accept the resolution. Iraq had insisted Iran should do so officially, formally and publicly, as that would be a declaration of its willingness to proceed with the negotiating process. Iran had avoided doing so until it had found itself in a militarily hopeless situation. It had then accepted the resolution in the dramatic manner of a letter from its President when one from the Foreign Minister, as had been the case with Iraq's acceptance, would have been sufficient.

It had then been Iraq's view that the two sides would have to sit at the negotiating table, under the Secretary-General's auspices, to discuss implementation of the resolution. To his shock and disappointment, Iran had refused to do so. He could not think of any examples since the creation of the UN where adversaries had refused to talk face to face. Iran had not been ready for peace, in his Government's view, but had accepted the resolution as the only way to achieve a cease-fire.

When the Secretary-General had presented his implementation plan, he (the Minister) had apologized that the could not accept it because he wanted the other side to sit face to face to discuss implementation in a direct manner under the Secretary-General's auspices. (He clarified that his Government's firm position was that whenever direct talks were referred to, it should be understood as being under the Secretary-General's auspices.) The 8 August letter had been

meant to provide the possibility of real direct talks and negotiations (talks and negotiations being words that were interchangeable) to reach common understandings.

Iraq had no illusions, misunderstandings or misinterpretations about the resolution. However, the problem that had to be faced was Iran's misinterpretation of it. It had understood it completely differently from the Security Council, the Secretary General and the international community. Thus, Iraq had good reasons for asking for a common understanding between the two as a first or preliminary stage for the implementation of the resolution. If a paragraph was implemented without a common understanding of others, he knew, out of his best knowledge of Iran, out of his assessment of its present situation, out of the history of the political and diplomatic and legal arguments of the past, that Iran might use the lack of common understanding to allow provisions to remain unimplemented and, if they were in a weak position, to freeze the state of no war-no peace. They might wait until they found they were in a better military and political situation to renew hostilities or use the frozen situation to intimidate and blackmail Iraq and the countries in the region and keep them in a state of uncertainty. Without a common understanding of all provisions of the resolution, endorsed by the UN, any progress would be false progress.

He could understand why the UN, whose duty was to make peace, would consider it an achievement if any provision was implemented. He knew that a step by step implementation had been used successfully in the past in other conflicts, but he wanted the Secretary-General and the Personal Representative to know that that chemistry would not work with Iran. It was a special situation that needed special treatment.

He asked if one could think of any situation since the creation of the UN where a conflict between two countries had lasted so long, or where any other country had refused to discuss the conflict in the Security Council. Never, he said. Only Iran had refused to accept the resolutions of the Security Council. Thus special treatment was needed. Iraq had been stressing two things: 1) direct talks, the most normal method in the world, and 2) a comprehensive package, a method used in many cases and one that was respected by politicians and diplomats. Iraq agreed the resolution was an integrated whole and there were legitimate grounds for a full package. He did not think the UN would disagree on the necessity for direct talks and common understanding. There was an agreement between the two sides with the Secretary-General about the need for common understanding.

Iraq did not have anything further to say at the current stage of the Personal Representative's visit, because the other side had not yet shown a readiness to understand what was normal. Their avoidance of direct talks was an abrogation of the 8 August agreement.

Iran would have to harmonize its position with what was normal in the world. With the exception of the Prime Minister of Israel, no Government would tell the representative of the UN that it was unwilling to talk face to face under the Secretary-General's auspices. Shamir and Velayati both refused to sit and talk with those with whom they said they wanted to reach a comprehensive and durable peace. His Government had been willing to wait for Iran's domestic situation to settle, but if Velayati were now to say he was not prepared to hold direct talks that would mean Iran was not ready for peace. It would mean it only wanted to use the UN to gain the withdrawal. Therefore the main business was to be done in Tehran. At the current stage it would be futile to discuss any ideas, techniques or packages while the other side had not yet shown tangible readiness for real talks. Only when Iran showed its commitment to peace could Iraq feel confident that real progress would be made.

During the Geneva meetings, the Foreign Minister continued, his feeling had been that Iran had been waging political war with Iraq since it had lost the military one. Before going to Geneva, he had asked his President what he should do, and the reply had been: "Bring us peace." One must make sure the Iranians were ready. As in the old Arab fairy tale, he hoped "open sesame" would apply to the noble mission of the Personal Representative of the Secretary-General.

The Personal Representative assured that Baghdad had been the first stop on his mission only for reasons of protocol. The purpose of the shuttle was to have frequent consultations with both sides. He recalled that his last trip to the area had begun in Tehran. The bilateral meetings in Europe in July and in Belgrade and in New York had also begun with Iran.

Continuing, the Personal Representative said a similar letter to the one given to the President that morning would also be given to Iran's President. He said he was particularly thinking about the urgent need to take first steps to achieve movement in the process. While he had hoped to maintain the momentum of the July meetings, unfortunately the time had not been right given the fact of Iran's on-going electoral process. He hoped now would be the time. It seemed to him that it would be in Iraq's interest if he could conduct his talks in Tehran with maximum knowledge of the priorities and

issues of importance to Iraq. It would be helpful to have a discussion of how to ensure the integrated whole nature of the resolution and also, on an ad referendum, non committal basis, or even on another level to gain an understanding of Iraq's position. It would also help in Tehran if he could respond affirmatively if Iran asked whether matters of substance had been discussed in Baghdad.

The Minister knew how important he considered the matter of direct talks and more meaningful dialogue on the basis of the 8 August letter. He recalled how the Secretary-General had dedicated himself to that effort in the April meetings. He still hoped one of the outcomes of the visit would be enough material to provide a fruitful basis for a meeting that could make progress. For the Secretary-General to put his prestige behind such a meeting, one should feel comfortable that progress could be achieved. Otherwise the risk would be that the meeting would fail, which would be a negative development. A discussion on substance as soon as possible would help.

The Personal Representative said he had found very interesting the Minister's presentation of developments surrounding 1987 and the acceptance of the resolution by both parties. he knew the Minister would agree that it was extremely important that the resolution be in no way diminished. He agreed that the resolution was to be seen in the context of achieving peace and good neighbourliness between the two nations, but he also stressed that the resolution itself was a peace plan. The fact that the resolution at some stage would be implemented was a historic development in relations between Iran and Iraq. The resolution had been unanimously adopted by the Security Council with all the force that lay behind it.

Continuing, the Personal Representative said the Minister's summary had stressed two points: 1) the need for direct talks, something which he himself hoped could be held even before the end of the year; 2) the need for a comprehensive package. He understood the concern that once Iraq withdrew, implementation might stop. That was why he had tried very hard to build in time elements between the different steps. That was why he wanted to discuss language that could be used. There was the possibility of an implementation plan with a timeframe. One could consider how to use principles of international law to bring about a discussion of key elements of the resolution. The form could be a letter to the Secretary-General and the Security Council could be involved. He would discuss that in Tehran.

In order to have a meaningful discussion with the other side it would help to be able to have a discussion in Baghdad about the substantive parts of the elements. A lack of such discussion would diminish the chance of making progress in Tehran. "It was a Catch-22 situation".

Turning to the POW's, the Personal Representative said the issue contained a similar dilemma where one side waited for the other to take the first step. Whatever Iraq could do in the area of taking the steps mentioned in para. 40 of the report would have a positive effect on world public opinion. Other categories could be identified such as children or those who were captured at a young age. He recalled that the current year might see the adoption of the Convention of the Child by the UN.

He then recalled press reports about the celebration of the reconstruction of Fao. He had discussed reconstruction with the Secretary-General only last week and they both wanted to commend Iraq for taking those steps in the border areas. It was a signal of Iraq's desire to plan for peace.

The Minister added that it should also be noted that the reconstruction was being done in a beautiful manner.

The Personal Representative mentioned that the UN might be able to contribute to reconstruction in the form of a pre-survey or the sending of a team. The resolution would still be followed but such an effort could be seen as a preparation for the implementation. Such an effort might have significance, not only by adding a bit of momentum to the process but by sending a powerful signal that the two countries were planning for peace.

The Minister said, "We are in the business of the resolution, otherwise we would not have such a formal meeting as this one." It had been Iraq that had first used the definition "peace plan" to define resolution 598. Iraq knew that if it was implemented in a correct manner it would bring about peace and security between the two nations and the whole region. It would be in his country's best interest to facilitate the current mission. The President shared that support for the mission. Any prolongation of the no war-no peace situation would not be a gain for Iraq. Furthermore, there was no alternative to the mission of the Personal Representative. However, at the same time he had to think seriously about how to set about the process. As a nation and a person there were good reasons for stressing certain issues. Iraq knew strongly that one method might lead to a certain end while another method might lead to a different end. That was not to underestimate the intentions of the Personal Representative with whom Iraq had excellent personal

relations. Iraq had never thought that the reaching of a common understanding would take long unless there had been a determination by one side or the other not to do so. He had told Velayati in the presence of the Secretary-General from the first round that if he really wanted to reach a common understanding, one could shorten the time for the process of implementation. He had not accepted that idea. Fourteen months or more had elapsed since that first meeting. Had Iran accepted then, it would have reached the implementation by now or one would know it was not possible and the Secretary-General then could have gone to the Security Council. Thus, those who did not want to reach common understanding were responsible for the lack of implementation.

He reiterated his Government's understanding that recently the Iranian leadership had not been able to enter into such a discussion. There was now a different regime but the nature of the Iranians had not changed for centuries. In 1969, there had been a conflict between Iran and Iraq and in 1975 it had been resolved. In 1973, a private citizen from the Gulf region had arranged a secret visit by a Mr Aoudy, a close associate of the Shah. When he had been asked to correctly brief the Shah on Iraq's position regarding the three small islands in dispute, he had said no, he could not tell the Shah something like that. That was an example of the difficulty in reaching understandings with the Iranians. Once the Shah of Iran had decided to resolve the conflict, however, it took him and the President of Iraq only a couple of meetings in Algiers in which they had reached full understanding on a number of principles and that was the end of the conflict. All the other work that followed until the signing of the agreement had only been a matter of details. From 6 March 1975 onwards, the conflict had been resolved. There had been a cordial relationship before the signing of that Accord.

It was not difficult to find a common understanding once one had the determination to do so. It was necessary to reach common understandings about certain principles, mainly provisions of the resolution. Iraq would like to understand how Iran currently understood those provisions when it spoke of peace. If Iran had a correct and healthy understanding deriving from its desire for peace, then one could reach it in a few days. All those guarantees, relationships, timings would become a matter of details. The horse was the common understanding and the carriage was the package.

However, he did not mean to imply that he wanted to rush into an unprepared meeting. What would be the use of another round of talking at each other. What he wanted was a real and meaningful direct meeting. He would like the Iranians to be convinced during the current endeavour to proceed towards real direct talks.

If there was an opening after the Personal Representative's visit to Tehran, then Iraq would be willing to spend full time discussing concrete matters.

Turning to confidence-building measures, he said Iraq had done a lot in that respect in the past. He did not close the door to thinking more about it and would consider suggestions that had been made, but his feeling was that at the moment one should emphasize the real opening.

Regarding the POW's, he said that he did not mean to criticize, but he had a strong reason for saying that not enough had been done to help solve that problem which should have been solved much earlier, from the beginning of the cease-fire. The question of the POW's was not an Iraqi issue. It was a bilateral issue. There were more Iraqi POW's but when did any civilized nation consider such a matter on the basis of numbers. He did not think the Iranians were behaving in a very Islamic manner. Iraq had taken unilateral measures in the past. Iran had only freed 200 prisoners although it should have freed two or three times that figure because it was holding more. Therefore, Iraq had been reluctant to take more such measures. Otherwise, they would have been correct initiatives from a humanitarian or any other aspect.

Ambassador Al-Qaisi added that Iraq had released 255 prisoners and Iran at that time had announced it intended to release 260 but had only released 223.

The Minister reiterated that Iraq would have liked the UN to have been stronger in handling that matter with the Iranians. The matter of the POW's was a huge violation of an international convention without precedent, and for that reason Iraq criticized the UN. He hoped the Personal Representative would do whatever he could to push the question of the POW's, regardless of the political discussions.

It was not a matter that should be on the negotiating table; it should have its own merits and procedure. The way it had been mentioned in UN documents had encouraged the Iranians to stress the timing of that issue in relation to other matters and it had given them an excuse. If one spoke about the agony of human beings and separated the humanitarian from the legal aspects, there were more Iranians suffering from the result of the war than Iraqis because there were more than 50,000 Iranian refugees in Iraq. They were not in the category of POW's. The Iranians had said several times that they wanted them back. If one counted those refugees together with the Iranian POW's in the hands of Iraq, the figures would be more than the Iraqi POW's in Iran. However, both the POW's and the refugees were in a satisfactory situation in Iraq and ICRC could attest to that.

Turning to reconstruction, he said Iraq had begun that before arriving at the relevant paragraph in the resolution for reasons that had been pointed out. Iraq was making tangible steps in rebuilding Fao and Basrah, it had been disbanding the military, and he wondered what more Iraq could do in that respect.

The Personal Representative spoke of the metaphor of the horse and carriage. He could seize that point but he also could see the merit of looking at it from the other direction. If one adopted the philosophy that it was possible to do useful work even when the political moment was not right, then he thought the ad referendum technique could be very meaningful. The matters that were being discussed were very complicated. If one were not ready when the green light finally appeared, the atmosphere might dissipate. He recalled a meeting chaired by Mr. Picco in Geneva that had included representatives from both sides at the table. There had been another similar meeting on 30 March in New York with him. There had been a very good discussion of how to use principles of international law. The discussions in themselves had a confidence-building effect, considering the mistrust that existed.

The Minister said the Iranians had used such discussions to avoid making peace. Another example was in 1983 when resolution 540 had been reached. Two years later, they had used the Secretary-General's 8-point plan for the prolongation of the war. Therefore, he was very worried about the method that was being used.

The Personal Representative said that few issues moved the Secretary-General more than the POW's. He had raised the matter in ways which had caused strong Iranian reactions. When the Secretary-General had spoken about the POW's not being hostage to political negotiations, he had received a very clear reaction. He had stressed a number of concrete measures that should be seen as preparation for the release and repatriation. He saw registration and notification as a very important step in taking those measures. He saw the dynamic also of the release of sick and wounded POW's, or other categories which would facilitate and hasten the full release and repatriation envisaged in resolution 598 and the Geneva Convention. The Security Council had also been very much engaged. It was a matter in which the UN had been tremendously involved. He reiterated that it was a heartfelt concern of the Secretary-General who had been in constant contact with the ICRC.

Reverting to reconstruction, he said that by his remarks he had wanted only to commend Iraq for those efforts and he had made similar recommendations to the Iranian side. What he had been mentioning was the possibility of considering that the trend receive some measure of international encouragement. The Secretary-General could take the initiative of sending a survey team to Iran and Iraq. That would strengthen the trend in the direction of preparing for peace. It could be a small or large group, perhaps lead by an eminent person; it could involve the agencies. He had also noted the disbandment of forces and the demobilization, and in that context Iran had told him that it had also disbanded a considerable number of military personnel. Another matter that had been raised with the new Permanent Representative of Iran in New York was the question of the Iraqi Embassy in Tehran. The Secretary-General was personally concerned about that matter.

The Minister said that when Iraq had disbanded a number of its troops it had made it public and had not reported it in secret to the UN. He had heard no such statement from the Iranian authorities. Furthermore, while Iraq had been celebrating the reconstruction of Fao, the Iranians had been making military manoeuvres in the Gulf, which was significant. It was a demonstration of force and he wondered to whom they were sending that signal.

The meeting then adjourned at 20:50 hours.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyns
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

(held in Baghdad, on 2 November 1989, at 11.00 hrs)

In attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Foreign Minister of Iraq
H.E. Mr. Al Zahawi
Undersecretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conferences Department
Ministry of Foreign Affairs
H.E. Mr. Al Wittri
Legal Counsel of the Foreign Minister
Mr. Kamal
Director of the Office
of the Foreign Minister
Mr. Ayden
Assistant to Mr. Al-Qaisi
Dr. Zubeidy
Interpreter of the President

The Personal Representative said he had noted Iraq's readiness to co-operate with the Secretary-General and strong stress on the need for genuine direct talks and a comprehensive package. He thought those were the two main issues he should address with Iran. Iraq, he felt, was hopeful there had been a stabilization of power in Iran that would be ready to take the necessary political decisions, which in Iraq's view, the time had come to do. He hoped that was a fair summary of the main points for they were the ones he would use in his meetings with Iranian leaders.

He had noticed a few other matters of interest. The Minister had mentioned that if the political will existed then Iraq and Iran could very rapidly find solutions, and he had made reference to the two or three days of meetings in 1975 in connection with the elaboration of the Algiers Treaty. He had also noted Iraq's strong emphasis on reconstruction, not only in its economic and social aspects but also in its political implications as a signal to the world that it intended to pursue that line. He felt that was a constructive contribution.

He had also noted what was, in his mind, a correct view when Iraq had taken the point that one should not get into a numbers game with POW's. As everyone knew, reciprocity was not accepted in humanitarian law as it related to the Geneva Convention. He hoped he had understood the Foreign Minister correctly on that. (The Minister nodded his affirmation.)

The Personal Representative said that he would also like to pursue the idea of the integrated whole.

The Minister indicated that the Personal Representative had understood him very well. The summary he had just heard of Iraq's position was a correct one; those had been the main points. Iraq strongly believed in peace with its neighbours; when the other side showed tangible evidence that it was also heading for such a goal, things would go smoothly in the future.

The Personal Representative said that the day before he had made the point that it would be helpful for him to have a discussion about some ideas related to the integrated whole approach and the elements to be taken into account for the working out of a possible package. Such a discussion would help him in his presentation to the other side and would considerably increase the chance of having a desirable type of meeting. The questions relating to the integrated whole were important because they were supposed to answer Iraq's need to avoid a partial package. There were a number of ways to safeguard the integrated whole nature of the resolution. The objective was simply to ensure that the process would not be interrupted after the implementation of the first paragraphs. The resolution should be carried out in full as a peace plan.

One method which had been extensively discussed with Iraq was timing and structural relationships. His view was that the parties should try to reach such an understanding with regard to the four elements of the 1 October presentation as part of what had been called a memorandum of understanding (MOU), a package to be signed by both parties and the Secretary-General, if so desired. A similar structure could be worked out for other elements of the resolution.

Another method would be to develop appropriate preambular language. An understanding could be reached on certain commitments in the form of preambular language as part of such an MOU. In such a preamble a strong commitment to the implementation of all provisions of the resolution could be expressed as well as the intention to terminate the conflict in all its aspects and to achieve peace and good-neighbourly relations. In that context, in his view, there would also be a reference to certain principles of international law. Such a preamble could be the first part of an MOU or the beginning of a text related to paragraph 4 and the rest of the resolution.

The third idea was to try to develop a timetable for the whole resolution or to make extra comments on the paragraphs that would come after the fourth. That had been mentioned last spring. An understanding on the timetable and/or an implementation plan or extra comments for the rest of the resolution, particularly 6, 7 and 8 could either be finalized as part of an MOU or as an exchange of letters with the Secretary-General. Those might be the methods for the substantive parts.

He thought two possibilities with regard to form might be combined in a commitment through letters to the Secretary-General and/or endorsement by the Security Council. In the letters to the Secretary-General the necessary commitments with regard to the rest of the resolution could be expressed in letters from each party which could be made official by the UN either immediately or if there were a breach. (Personally, he felt the first option would be preferable). The MOU also could be signed by the parties, or it would be possible to initial the MOU. Another option was the Security Council endorsement of an MOU and/or the accepted timetable and implementation for the resolution or the extra comments which could take the form of a letter from the Security Council or a presidential statement, whichever the Council preferred.

He wanted it understood that the above was an analysis of some available options and he would be grateful for other ideas. He would hope that such ideas would ensure that implementation would not be partial.

The Minister said it was understood that the above ideas needed careful study. He had found them interesting for consideration at a later stage.

The Personal Representative hoped the Iranian side would find them interesting as well.

The Minister noted that if the Iranian side had made a decision to proceed towards peace they would become engaged in serious discussions. Then one could find an appropriate manner to safeguard all interests. Political will was necessary. The above details would be a technical matter, not a political one.

Mr. Picco said that the day before the Minister had made some comments that might be quite useful for the work. He asked if perhaps they could be further explained. He mentioned the Minister's important statement that discussions on implementation of the resolution should not become a political battlefield. He thought that was an important message not only for Iran but also for the UN. It was the UN's objective to proceed in such a manner that neither side would lose face or try to score political points

but would try to achieve the end result of the exercise. That was how he, had understood the Minister's comments. As a consequence, the Minister had made an objective remark, which he hoped could be elaborated upon, when he had said there was a need for an opening. That opening was, he believed, not only a matter of procedure but of substance. He wondered if the Minister had had in mind a particular aspect when he had referred to it.

The Minister said he had made the two comments to explain what Iraq had been realizing from the way the Iranians had engaged in the negotiations and the manner in which they were making political statements. Its hostile language had not ceased. The option of resuming hostilities had not been closed completely in Iranian political statements. Thus, he did not have the feeling that the Foreign Minister of Iran was ready to reach an understanding with him. When the experts had met to try to find a solution for freedom of navigation, Iran had not co-operated. Its position vis-a-vis the Shatt had raised a lot of concern. As he had explained in full detail to both the UN and Iran, the use of the Shatt was in the interest of both parties. When they had refused to resolve that issue just to hurt Iraq it showed that its will was to hurt what they called "the enemy", and not to reach a common ground in which both parties could benefit from that step. Iran was militarily much weaker than it had been a few years earlier when it had insisted on continuing the war. However, its political feelings had not changed. Therefore, Iran wanted to direct the implementation of the resolution in a way which would affect negatively the interests of Iraq.

Mr. Picco then asked about the Minister's second comment regarding the need for an opening.

The Minister said he had not meant procedure or substance. A politician could feel if he was heading for peace or not. When the other side said soothing things, then one could feel that perhaps he was ready to do business and proceed towards peace. One could then ask for clarifications and build upon them: Iraq did not have that feeling about Iran, either as to its general conduct in the UN talks or vis-a-vis many other issues, including regional matters. For instance, the Iranians meant something when they were very tough in their position on the Shatt. He took that as a message. They had been so tough that it was clear they were not ready to solve the problem in a reasonable manner. When he saw Iran taking difficult positions on other matters he would also expect them to be difficult on bilateral ones. An opening could be a political opening, a combination of pronouncements, acts, measures. Then he would be able to feel he was in a new situation which would allow the entrance into real discussions about achieving peace.

In the last few days, before the arrival of the Personal Representative, Velayati had said he was not optimistic about the results of the visit, while he himself had been very careful not

to make statements about the initiative because he wanted to give it a chance. Such comments should be left for the end of the visit in the form of an assessment. From what he had heard from the Personal Representative about the other side's views, he could tell him privately that he was not optimistic, but he would not say so publicly.

The Personal Representative indicated he had seen such a statement but he also would like to refer to the statement the Foreign Minister of Iran had made in the general debate of the General Assembly where he had warmly welcomed the mission and initiative. In other meetings at the UN they had also made the point very clear. He then referred to a statement just two days earlier by Mr. Besharati.

Ambassador Al-Qaisi noted that a statement by Velayati had appeared later than that by Mr. Besharati which had been full of pessimism.

The Minister said the line of the Iranian campaign had been tough, but the Personal Representative could inform Iran that Iraq was not frightened.

Ambassador Al-Qaisi referred to the fact that vessels of third countries were now being allowed to call on Iranian ports and during the same trip to call on Iraqi ports. He had received that news in a note from the presidency just that day. That action had been taken even without having been asked by the UN. When Iraq saw that certain measures would increase the situation of normalcy in the region and relations between Iraq and Iran, it would take them without hesitation.

The Minister said that if the Iranians thought that taking a tough political attitude during the current visit would affect Iraq's position, Iraq would interpret it as a negative sign about Iran's real position. Iran had to use the language of peace; no one, and he had told Velayati so face to face, was afraid of their threats and least of all the Iraqis.

The Personal Representative said he would keep that point in mind in his meetings. He recalled that before he had left on his mission he had made contact with the parties and had advised that they adopt an approach and a language which would create the best atmosphere for the extensive period of work. He hoped that such advice had not been interpreted as a pessimistic view. He wanted both sides to contribute to the process of building enough confidence to start the process of implementation. He would bring that message to the Iranian side. Everyone knew the sensitive points of each side. For the time being, it would be very good if those sensitivities were avoided.

The day before he had mentioned the possibility of sending a UN inter-agency team to assess the need for reconstruction in the two countries and how the UN international community could help. In his view that could be done rather early in the process and even at this stage as a preparation for the implementation of that paragraph of the resolution. If real progress was made in the talks, the interest of the international community in contributing would increase. In any case, receiving such a team would constitute a positive and substantial signal to the international financial community. Therefore, he thought there was enough reason to consider such a concrete possibility. It was a matter which the Secretary-General could decide without much preparation.

The Minister said in that respect he did not know how the international community viewed the situation in the region. It might be more realistic to explore the will of a number of countries to contribute before sending a team. The sending of a team too early could create disappointment. The UN was not in the business of counting all the needs or in meeting them. However, if there was a tangible will to do something on the part of other countries, it would be better, in his view, and more realistic if they would express that to the Secretary-General, perhaps in the form of figures. Iraq was working very hard to activate its economy. It would be very difficult for the appropriate Ministers to spend days, weeks, months in theoretical research about what should be done when the results might not even be encouraging. He hoped the Personal Representative would consider that point of view.

The Personal Representative thought it might be another "horse and carriage" situation because the potential donor countries would perhaps want an initial assessment.

The Minister suggested the Secretary-General might ask specific donor countries how much they would be able to contribute, and Ambassador Al-Qaisi added there would then be a figure to work on with the experts.

The Personal Representative thought it would be difficult to get round sums, and he hoped the Minister would not lose sight of the political signal involved. The Minister reiterated that it might raise hopes that could not materialize and one would have to be most careful.

The Personal Representative took note, and said he would return to that point later. He wanted to remind that in October 1988 the Secretary-General had presented a formula containing ideas about implementation of the four substantive elements. As had already been known at that stage, that was intended to start the implementation of the remaining provisions. He had understood Iraq's concern that after withdrawal the no war-no peace situation

would risk being cemented, with no movement on the remainder of the resolution. He was willing to seriously discuss how the parties could be given sufficient assurances regarding the rest of the resolution so it would be implemented in full and would lead to peace and good-neighbourly relations. The Secretary-General was committed to the need for direct talks, and wanted to make it possible to arrange a fruitful meeting, hopefully with a new format in which some progress would be achieved.

For a direct meeting there should be a very clear agenda. Progress even on an ad referendum or non-committal basis could help to set such an agenda. There were already certain texts which at an appropriate moment could be discussed ad referendum. Those texts could eventually be part of the package of understandings which would be reached between the parties, perhaps at such a direct meeting. There were texts on the cease-fire, particularly the annex, which discussed freedom of navigation. There was a text on withdrawal which the Iraqis had. There was a text on POW's as well as one on the clearing of the Shatt. There was also a preambular text which had been read out earlier which could be in the form of an introduction to the package or an introduction to paragraph 4. There were extra comments which could be given for paragraphs 6, 7 and 8. Those texts could be put into the discussion.

Ambassador Al-Qaisi indicated he had not received the extra comments texts and the Personal Representative, noting he had touched upon them verbally, said they had been taken from the implementation plan.

When Ambassador Al-Qaisi suggested the comments had not been read out but perhaps only been hinted at, the Personal Representative said he would be willing to read them now. He said there were texts on the implementation of particular elements of the resolution as well as on the relationships between those different elements in terms of timing and structural relationships. In other words, when one step was taken, another one would follow. He would be willing to attach a text of assurances to each element, and was ready to discuss that whenever Iraq was ready. Apart from the very well known elements, he wanted Iraq to seriously consider touching upon possible texts to be used for the notion of the integrated whole. "That would put more meat on the bones of paragraph 41".

The Minister wondered whether the timing of the current visit had been finalized, and the Personal Representative said the Secretary-General had indicated that he should spend the time in the area for extensive consultations, and a two to three week period had been considered a reasonable time to have in-depth discussions with both sides. If at the end of that period he felt he had done what he could, then he would return to New York. The Minister said "so it is not too sharply defined", and the Personal Representative added it could be longer or shorter; if he found he

could make progress, then he would take the decision to stay. On the other hand, to call the visit open-ended might create a vagueness that he did not want either. The next day he would be going to Tehran for talks over a couple of days.

The Minister wondered whether any meetings were envisaged for December, and the Personal Representative replied that if it was felt that one could usefully proceed to a direct meeting, then the Secretary-General might invite the two parties. He would need to be reasonably sure it would be a constructive meeting. One could tentatively be scheduled during the period of 12 to 14 December. There was also the option of having a meeting along the lines of those held in Rome and Belgrade, which would also pre-suppose progress during the current trip.

The Minister thanked the Personal Representative for his comments and the meeting was adjourned.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE DEPUTY MINISTER OF IRAN

Held in Tehran
on Saturday 4 November 1989, at 10:30 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
H.E. Mr. Javad Zarif
Deputy Permanent Representative
to the United Nations
Mr. Mir Mahdi
Deputy Minister, Legal, Consular,
Parliamentary Affairs
Mr. Maleki
Deputy Minister, Research and
Training
Mr. Morteza Sarmadi
Deputy Minister, Public Relations
Mr. Hossein Taremi
Coordinator, 598 Secretariat

After words of welcome, Ambassador Eliasson set out the tentative schedule of the shuttle mission. The Deputy Minister indicated he was ready to have discussions with the Personal Representative of the Secretary-General and his delegation as many days as necessary. Being new in his office, he said he wanted to express his gratitude for the efforts that had been made on the issue related to Iran-Iraq and resolution 598. It was evident that a positive and constructive solution should be achieved. Iran was ready for full co-operation.

The Personal Representative of the Secretary-General thanked the Minister and said he spoke for all when he said that they always felt at home in Tehran. He recalled it was his ninth visit to Iran and Mr. Picco also had visited several times. He said he first wanted to give a general introduction which would correspond to the one he had given to the Iraqi delegation in Baghdad. Then he would proceed with a general impression of his talks there. He recalled the positive treatment that conflicts around the

world had been receiving lately on the basis of principles of international law and peaceful settlement of disputes. The background was the general improvement of the international climate and the better facilities available, not least in the United Nations, which should be put to practical use. There had been the beginning of positive developments in Afghanistan, Iran-Iraq, Namibia and he hoped also in Central America. In all those regional conflicts the UN had played a central role together with bilateral and regional forces. That positive treatment should be maintained. He felt that it was important that everyone walk the same direction and try to get away from the more dangerous ways of settling conflicts. There was a very good road map on Iran-Iraq which should be followed scrupulously.

He had been very glad to note the welcome in his speech during the general debate at the UN that Dr. Velayati had given to the initiative of the Secretary-General to send his Personal Representative to the area. Different methods had been tried to achieve progress in the past in terms of format. There had also been a number of trilateral meetings and separate meetings. The Secretary-General had come to the conclusion that this time he wanted his Personal Representative, on his behalf, to have intensive discussions in the capitals to obtain an assessment of the situation based on the direct impressions he would receive from the leadership.

He recalled the statement made just last Friday in the Security Council where the current initiative had been warmly welcomed, and he noted that the Council would closely follow the trip and would expect a report from the Secretary-General. He had a very strong feeling that the Security Council's backing for the approach in the work just ahead, even though there had not been any negative or dramatic developments in the state of the cease-fire, was a recognition that the no war-no peace situation was unhealthy and dangerous.

When he spoke about the approach he thought it was obvious that what he meant was the one contained in the report to the Security Council that had been issued in September on the occasion of the UNIIMOG mandate renewal. He noted that para. 41 of that report had contained a reference to the resolution, followed by a reference to the 8 August letter, the 1 October presentation, and subsequent discussions. Furthermore, there was a philosophy expressing the view that on the one hand the resolution should be respected as an integrated whole, an approach strongly supported by the Security Council; but at the same time, it realized that one should achieve progress on concrete, substantive elements.

Some of those element were also to be implemented without delay. He would be willing to discuss in more detail the integrated whole approach and how it could be taken into account in the work and also to discuss the details of the substantive elements that had been presented on 1 October. In that regard, it was essential to think of the relationship between the different elements and to think of the relationship of those four elements with the rest of the resolution so as to ensure it would be implemented in an integrated manner. The objective of the current talks was to have a discussion on both the question of the integrated whole and how one could achieve the concrete continuation of the resolution on those very substantive points.

From a more practical point, it would be good if at the end of the visit he would be able to report to the Secretary-General that he had reached far enough so that the Secretary-General could invite the two sides for a continuation of the direct talks, hopefully even before the end of the current year. He was certainly aware, however, that both Iran and Iraq, as well as the Secretary-General, would like to be very sure that such a meeting would be useful and productive.

As a general reflection he added that very often in the course of discussions in New York and in Baghdad during the last two and a half days, he and his colleagues had come to the conclusion that it would be very important to stress that to take a first step would be considered a sign of strength. There was the risk in that process of one party waiting for the other: "the hen and egg", "the horse and carriage" syndrome of what should come first. He knew the Secretary-General would like both sides to have the strength and courage to take the first step. That was the conclusion that had been drawn both before leaving New York and before he had left Baghdad.

He then proceeded to give his general impressions of his visit to Baghdad. Considering the importance he attached to para. 41 of the Secretary-General's report he thought it might be interesting for Iran to know that the Iraqis had accepted those observations as a fair and generally as a good basis for discussions. That, together with their dissatisfaction at the no war-no peace situation, gave some hope of progress.

The Iraqi side had repeatedly stated that it wanted to achieve implementation of the resolution and to establish a comprehensive peace with Iran. It had said that there was a government in charge in Tehran which they hoped would be capable of taking the necessary political decisions. Iraq was still waiting for signals from Iran, and it was also willing to work for a comprehensive peace with Iran. Any steps in that direction by Iran would be received positively by Iraq and by others.

Once it was clear that Iran was ready for peace and had shown that in practice, progress could be made very quickly. The common understanding that had been achieved preceeding the Algiers Agreement of 1975 had been given as a positive example. Once there was a decision to make peace, the rest would be only details. A common understanding could be worked out in a couple of days, the Iraqis had told him.

The Iraqis had no problem with the philosophy, and some ideas about how to implement that philosophy had been presented to the Iraqis and had been received with interest. They related to the issue of the integrated whole approach but also to the elements of the 1 October presentation which were repeated to the Iraqi side without any objection having been raised. He should also add that no details of those elements were discussed.

The Iraqi President had spent a considerable amount of time on the issue of withdrawal, which, in his view, would not represent a major difficulty. The President had stated firmly that Iraq had no interest in one inch of Iranian land. Iraq had withdrawn from large areas of Iranian territory. Iran should not worry about any portion of land that had Iraqi positions on it. Iraq had no ambitions there. That was how Iraq educated and informed its own people.

The President had further referred to the disbandment of elements of the Iraqi army. The activities of the army had been frozen and certain headquarters had been closed down. He also had made strong reference to construction efforts, particularly in Basrah and Fao, which were in firing range of the Iranian side. All that represented, in the President's view, signals that Iraq did not have hostile intentions against Iran and that Iraq was preparing itself for peace.

The Foreign Minister of Iraq had told him that he had no illusions that the no war-no peace situation could give Iraq any long-term advantages over Iran. Iraq wanted a peace based on equity. It did not look for a solution that would harm the dignity of Iran. Iraq had agreed that a settlement should not be the embryo of a new conflict. Iraq did not want a no war-no peace situation. The Iraqis wanted to know if the Iranians meant the same. On the substantive issues the Iraqis had made a strong stress on the need for a comprehensive package and that the elements of such a package should be discussed in what they called genuine direct talks.

Those were the general impressions he had received in Baghdad. The basis for his comments had been a one and a half hour meeting with the President, a two and a half hour discussion with the Foreign Minister, followed by another discussion of one and a half hours, and a dinner hosted by the Foreign Minister with subsequent and parallel discussions.

The Deputy Minister said he had carefully followed what had just been said. As had been widely mentioned, the Iranian Foreign Minister had welcomed the initiative of the current visit. Many ways had been examined during the fourteen months since the acceptance of the resolution by Iran. The most important of those developments had been several rounds of direct talks by the two parties under the auspices of the Secretary-General in New York, and the acceptance of the resolution as a whole. That was a matter that had been announced in the general acceptance of the resolution and in subsequent announcements. It had also been mentioned in the letter which had been referred to at the airport on Ambassador Eliasson's arrival. The Permanent Representative in New York had also made an announcement on that matter. It was quite accepted and clear. Iran wanted the resolution to be fully and totally implemented. He wondered how else the matter could be raised. He wondered if it was a question raised to perpetuate the existing trend where in the last fourteen months, with the exception of the acceptance of the cease-fire, nothing had been achieved.

The implementation of a resolution was the best way to build confidence. The Security Council, by deciding the order of paragraphs, had determined the way that resolution should be implemented. One of the paragraphs of the resolution, whose importance had been emphasized by the Security Council and the Secretary-General, was withdrawal. What measure better than that of the resolution itself could provide a more positive atmosphere for continuation of discussions between the two countries. He wished to repeat that non-implementation of withdrawal on the basis of the resolution would have negative consequences .

The record of co-operation Iran had with the Secretary-General over the last fourteen months showed the serious decision of Iran to reach peace. If one studied the discussions that had been held so far and the plans and proposals of the Secretary-General and the reaction of the two countries, one could come to a conclusion about which side should be worried about those matters.

The non-implementation of withdrawal had created many difficulties for the Iranian people. The people from the cities under Iraqi occupation were still displaced and were refugees in other cities of Iraq. Tens of thousand of people from those areas under occupation were facing difficulties. The negative social and cultural consequences were well known. If one started to take the first practical steps for the implementation of the resolution, that had an order in its paragraphs, and to act on the basis of the procedures available, one could in the best way guarantee the establishment of peace.

His first impression from what he had just heard was that no view had been expressed by the Iraqi officials in connection with the framework of the assignment which had been given to the Personal Representative; while, on the other hand, the highest officials of Iran had expressed their views about the proposals and views put forward by the Secretary-General. He still did not know in what framework accepted by the Iraqis one should conduct those discussions. Those were the elements that had caused the delay. When it was said Iraq was serious about implementation of the resolution and withdrawal, Iran would accept it as positive. However, withdrawal was not something to be talked about but something to be done. He asked whether any indication of readiness to withdraw had been received. Considering what the UN had done, the record of what Iran had done, and the reactions that had been received, he thought that it was Iran that should announce that it was looking forward to a positive sign from the other side for the process of implementation. A positive, practical measure by the Iraqi side on the basis of the resolution and the talks that had been held so far would start with withdrawal. The non-implementation of withdrawal for any reason whatsoever weakened the resolution and its implementation. The withdrawal should not even be made subject to discussion. He wondered if any idea on those lines had been noted in Iraq.

The Personal Representative assured that he had noted for a very long time Iran's attitude towards the implementation of the resolution as an integrated whole. The best proof of that was its acceptance of the resolution. There had been commitments made during discussions to that effect and more recently in the letter from the Permanent Representative to the Secretary-General.

The resolution should be fully implemented. The practical thought he would like to pursue was how that recommitment to the integrated whole approach could be made. It could be done in the form of a time frame for implementation accepted by both sides. One could introduce preambular

language. There were a number of other methods. They could have the form of communications, or letters to the Secretary-General, perhaps even endorsed by the Security Council. It was not in the interest of the Secretary-General or the Security Council to perpetuate the existing trend. In his view, such assurances could be rather easily raised once the agreement on general principles had been accepted.

To the question of whether the Iraqis had accepted a framework for the talks, he said he thought the most interesting and productive aspect of the first round of talks in Baghdad was Iraq's general acceptance of para. 41. In that paragraph, there was not only a mention of the resolution, the 8 August letter, but also the 1 October presentation and subsequent discussions. There was mention of the resolution as an integrated whole and of the need to achieve progress on matters which should be the framework for the work. He had been glad there had been no objection to that when he was in Baghdad.

That brought him to the question of withdrawal; he knew how very important that matter was to Iran and to the UN. Withdrawal was one of the elements of the 1 October presentation. His view was that withdrawal could be achieved by working out a mutually agreeable package and tying it together in a way that would assure implementation of the package. Combined with the rather simple commitment to the resolution as an integrated whole, there would be a reasonable framework which would have a realistic chance of bringing about practical results, namely the withdrawal.

The Deputy Minister interrupted to ask if "commitment" meant to the totality of the resolution.

The Personal Representative affirmed that it was the integrated whole approach. Turning to the question about readiness for withdrawal, he said he did not think he could say much more than the very strong emphasis that had been made in the discussion with the President of Iraq. Almost one half of that conversation had dealt with the question of withdrawal. He noted that this brought him back to the "hen and egg" problem. Iraq would like to see withdrawal as part of a package. It had repeatedly been asked what would happen after withdrawal took place.

The Deputy Minister here interjected: "the next paragraph!"

The Personal Representative reiterated that Iraq had expressed the need to know if Iran really wanted peace. He did not have to remind Iran of a fact known from the long discussions in Geneva and New York. While Iran had made the point that withdrawal was the first step towards a negotiated settlement, Iraq had taken the view that the cease-fire was not yet fully consolidated there should be some elements such as the clearing of the Shatt, and freedom of navigation. That had not been repeated during the last meeting. However, there had not been a detailed discussion of the four substantive elements. He had mentioned it but it had not been discussed in detail.

The Deputy Minister said that the fact Iraq had dissolved part of its army and released some of its forces and had started reconstruction efforts could very well show that Iraq was confident of Iran's intention to reach peace.

In an area within the range of Iraqi artillery, Iran had also started serious measures for reconstruction; and the largest investment in that connection had been made in those areas. He was sure that the Personal Representative would agree that in all the plans and proposals put forward, Iran had been the first side to accept almost all of them. Therefore, he thought the question of the "hen and egg" was almost solved. While on the other hand, even in connection with the question of the withdrawal, a specified framework had not been put forward by the Iraqis. He remembered that immediately after the acceptance of the resolution by Iran and the establishment of a cease-fire, the question of a timetable for implementation of the resolution had been put forward by the Secretary-General. One had to look at that record to see what was the difficulty.

The Personal Representative said the issue of reconstruction was important not only for Iran's own economic and social development but also as a signal to each side respectively that one was seriously and concretely planning for peace. That was a trend which he and the UN would very much like to encourage. He had been speaking to the Secretary-General about that before leaving New York and if the parties were interested, the UN system could do something in that area in the form of a study or survey. If he could contribute to strengthening the trend, he would gladly try to help.

The second point was another "hen and egg" situation: the POW's or captives. He wanted to assure that he had pressed that issue in Iraq on the basis of para. 40 of the report, and he had also encouraged Iraq to take whatever step possible. He

had said very clearly that when it came to POW's there was no reciprocity. According to the Geneva Convention, there were unilateral measures that could be taken. Paragraph 40 was not related to paragraph 3 of the resolution. He would very much welcome if steps could be taken that would liberate people. That would have a strong humanitarian consequence and also a politically dynamic effect. There were categories that one might consider, such as foreign prisoners.

His last point was a question. When he had had tea with the Permanent Representative in New York, the Ambassador had mentioned that there had been quite a large demobilization on the Iranian side. He had mentioned that to the Iraqis and they had not appeared to have heard about it. He wondered whether that demobilization had been made public. It would be useful to him to have some information on that.

The Deputy Minister agreed to discuss the points that had just been raised at the next meeting. He pointed out that economic development activities in the two countries related to paragraph 7 of the resolution. When the time came, Iran would be prepared to discuss and implement that. He noted Iran had dissolved the headquarters for popular assets which had been working since the beginning of the war. Iran had shortened the period of military service in certain categories, which he would discuss later, as well as the question of the POW's.

The Personal Representative then turned to UNIIMOG matters and hoped it would be able to work with as little friction as possible. They were doing very good practical military work which was necessary for the implementation of the resolution. He would ask Iran to be as forthcoming and co-operative as possible in its discussions with UNIIMOG. It was very important for the atmosphere among the servicemen that some very practical points be settled.

The Deputy Minister said the members of UNIIMOG were the guests of Iran. He mentioned a lengthy discussion he had had with Mr. Goulding on his last trip to the area and some of the difficulties had been solved after that visit. He noted that there had been no such activity in his country before. Iran was interested in having the members of UNIIMOG in its country, but it certainly did not want a situation repeated which called for such a presence. He personally was ready to meet with members of UNIIMOG; and he hoped within a short time to be able to provide better news about facilities that were being provided, hopefully before the end of the current visit.

The Personal Representative mentioned that he was carrying a letter for the President from the Secretary-General which he would like to convey. The Deputy Minister noted that he had been in contact with the President's office and hoped that such an encounter would take place soon.

The meeting concluded at 12:00 hours.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyans
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE
OF THE SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAN

(held in Tehran, on Saturday 4 November 1989, at 17.00 hrs)

In attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Ali Akbar Velayati
Minister for Foreign Affairs of Iran
H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
Mr. Mir Mahdi
Deputy Minister, Legal, Consular
Parliamentary Affairs
Mr. Maleki
Deputy Minister, Research and
Training
Mr. Morteza Sarmadi
Deputy Minister, Public Relations
H.E. Mr. M. Javad Zarif
Deputy Permanent Representative of
Iran to the United Nations in
New York
Mr. Hossein Taremi
Coordinator, 598 Secretariat

The Foreign Minister said that once again he would like to welcome the Personal Representative and his colleagues to his country. It was a great source of satisfaction that the Secretary-General had been following sincerely and seriously the issue aimed at resolving the matter.

Ambassador Eliasson thanked the Minister, and spoke of the close friendship that had developed between them. He thought that visiting both capitals was a good opportunity to carry out intensive discussions. He reaffirmed the Secretary-General's commitment to implementation of the resolution: he had instructed his Personal Representative to do everything possible during that visit to see how progress could be made.

The Foreign Minister spoke of the friendship and good relations he had always felt for the Secretary-General and his colleagues. He said that he had been informed of that morning's

meeting with the Deputy Minister for International Affairs, and based on that report he felt that there was hope with regard to what had transpired during the first portion of his shuttle. He had been happy to hear a more positive assessment at this juncture among the officials of the UN with regard to the issue, and he was certain that would be transmitted to both parties.

The Personal Representative was glad his remarks that morning, had been given a hopeful and optimistic interpretation. It was necessary to start a positive process that would lead to the beginning of implementation while maintaining the resolution as an integrated whole. What he considered one of the most promising aspects so far was that there appeared to be no objection on the Iraqi side to the philosophy contained in paragraph 41 of the Secretary-General's report. That did not imply, however, that there had been detailed discussions about the four elements of the 1 October plan nor had he discussed in any detail with the Iraqi side the interrelationship between the different elements and the formulation of the integrated whole approach. Before leaving New York as well as in Baghdad, he had heard positive informal remarks about that report, including comments that had been made by Ambassador Al Anbari. He hoped that could be interpreted as a starting point. On the other hand, after working with the matter for so many years, he was convinced that the depth of the problem would require important political decisions by both sides.

Since paragraph 41 had been received favourably, he thought there existed a framework containing the necessary elements plus the philosophy and the need for progress on specific issues, particularly those that should be implemented without delay. That package should be tied to the resolution as an integrated whole, an idea to which Security Council members were strongly attached. When Council members had given their blessing to his shuttle mission, it had been evident that they had seen the resolution as an integrated whole. That was an important asset for the current work.

It was necessary to arrive at a situation where the two parties would feel they could take a step and send a signal that would get the process started. He who took the first step would show courage and leadership.

Describing his meetings in Baghdad, the Personal Representative said that the key point for the Iraqi side had been its commitment to a comprehensive peace and to the resolution; it had been noted that there was a Government in Tehran that could take an authoritative decision if it so desired. Iraq was waiting for signals from Iran and any steps would be received positively. It had been particularly interesting that Iraq had referred to the quickness with which the Algiers Accord had been reached.

Iraq had not objected to paragraph 41, and the Personal Representative had presented certain concrete ideas on how to formulate the concrete whole. Previously, he had read out texts on elements which could be discussed on an ad referendum basis. Most important, there had been a full discussion on the formulation of the integrated whole approach which Tareq Aziz had found interesting and positive.

There had been a discussion on withdrawal with the President, who had very strongly remarked that it should not be a major difficulty, and Iraq had no territorial ambition over any slice of Iranian land in Iraqi possession. He had noted that the Iraqi Government had informed its people of that, and the military was prepared to move back once a comprehensive package was achieved. Disbandment of forces and reconstruction had also been mentioned.

The political conclusion was that a solution had to be found which would preserve the dignity of both sides; solution of the conflict must not be the embryo of a new one. Iraq had expressed the need for genuine direct talks.

The Personal Representative then indicated that he would be prepared to discuss how one might formulate the integrated whole approach, and The Foreign Minister said it would be useful to hear the Personal Representative's views on that formulation.

The Personal Representative referred to the 1 November editorial in the Tehran Times entitled "Armed Peace". He thought there were a number of ways to safeguard the integrated whole nature of the resolution. The objective was to ensure that the process would not be interrupted after the implementation of the first paragraph.

One possibility was the technique of timing and structural relationships as part of an MOU signed by both parties and the Secretary-General, if so desired.

Another method was the use of preambular language, and an understanding that certain commitments in that form could become part of an MOU. In the preambular section, a strong commitment to all provisions of the resolution could be expressed as well as the intention to terminate the conflict in all its aspects and to achieve peace and good-neighbourly relations. In that context, there could also be a reference to principles of international law. Those were matters that had been discussed extensively the previous spring. That preambular section could be the first part of an MOU or it could be the beginning of a text related to paragraph 4 and the rest of the resolution.

There was also the technique of a timetable that would assure continuity of the implementation of the resolution. It could take the shape of an implementation plan with a timetable in the form of extra comments on the remaining paragraphs of the resolution. It might be part of a full implementation plan, which could be incorporated in an MOU or in an exchange of letters to the Secretary-General.

As for format, commitments could be made in letters to the Secretary-General from each party, which could be made official either immediately or if there was a breach by either side. (He personally preferred the first option.) The commitments might also be endorsed by the Security Council, either as part of the MOU or the timetable and implementation plan or some other type of endorsement of letters sent to the Secretary-General. The above had been presented to the Iraqi side, who had not made any suggestions of their own but had commented that the ideas "were interesting".

The Foreign Minister said that he thought it was clear that Iran wanted a just and honourable peace to be established between the two countries, and had made that position official several times. Its actions during the past fourteen months indicated nothing other than such a desire. Perhaps no other means than a real readiness to implement the resolution could prove the intentions and the will of either party. Of course, many years of war had created a deep-rooted mistrust.

The elapse of more than one year since the acceptance of the resolution and various forms of discussion, had shown that on Iran's side, at least, there was a wish for a comprehensive and lasting peace and the implementation of all provisions of the resolution. For instance, there was the fact that whatever the Secretary-General had proposed had been accepted by Iran, which proved its sincerity and commitment. That had not been the case with regard to the other party, who had either rejected or objected explicitly and directly to the presentations and plans and proposals put forward by the Secretary-General and the Personal Representative or it had opted for generalities without entering into any details.

Iraq had been saying that the readiness of Iran to seek peace had to be proven. The objective question was how one could prove that. In fact, no matter what Iran did, Iraq would reserve for itself the right to determine whether or not it had been enough. Beginning on a new round of confidence-building measures would only derail the emphasis on the logical implementation of the resolution; they would only be measures meant to attract the confidence of the Iraqis and of which they would be sole judge, or so it would seem. In other words, Iraq was continuously saying it had yet to gain confidence, and then Iran was expected to continue

to try to gain Iran's confidence. That was a process of trying to create confidence in one party, while in fact undermining the real job which was implementation of the resolution. Then, another year would have elapsed with one party taking confidence-building measures for the sake of the other without having created any results.

One must look at the confidence-building measures Iran had taken in the last fourteen months. Iran had started reconstruction at the Abadan refinery, whose daily output was 200,000 barrels, which could be attacked by Iraq even with a hand-held gun. That could be a real source of disaster if there were a resumption of hostilities. Khorramshar, Ahvaz and many other cities were in the process of reconstruction. Iran had released tens of thousands of its military officers and draftees. It was bringing into operation the petrochemical facility in Imam Khomeiny port. Many cities in the provinces of Ilam, Bakhtaran and Western Azabachan, which were in the range of gunfire, had been under reconstruction. Only that day Iran had signed an agreement with the Soviet Union worth about US \$6 billion, almost all of which dealt with plans for the province of Kurdistan: power plants, dams for electricity, water and other purposes. All of those were practical steps that proved that Iran did not seek to restart the war. He could say very clearly that if Iran's record of creating confidence was not better than Iraq's it was certainly no worse, both in terms of its co-operation with the UN and from the point of view of activities in the field of reconstruction.

The fact that the Iraqis had chosen one way for Iran to show its good intentions was in fact an indication of an insincere intention on Iraq's part. Its prescription was that he and the Foreign Minister of Iraq should sit in a room and talk privately. (Ambassador Eliasson interjected that they would be talking in the presence of the UN). He asked whether the Personal Representative really believed that after sitting together, confidence would have been built. What would be added to the confidence of two parties only by the exclusion of some of their colleagues from the discussion. The meetings that had been held so far had involved sitting together in one room, perhaps with different distances between delegations from one time to another. They had been seeing one another and had been discussing with one another and had been able to hear what each had said. The Minister added that he had no problem with his colleagues being present in any meeting. Did the Iraqis really think that by sitting in a room privately for two hours one could come out with all having been resolved? He doubted it. If the Personal Representative had noted any way that such a meeting would bring a real possibility of progress, then he should so enlighten him.

The Minister then outlined a personal theory that the Iraqi intent was to undermine the role of resolution 598 and the Secretary-General in a gradual manner so as to be able to put it aside altogether. However, they first wanted to dilute the issues. As an example, he recalled the recent Belgrade summit where a Foreign Minister from a Gulf country had asked him why he was pursuing a result through the UN and the Secretary-General; he and the Iraqis should try to solve the problem within the region. One of the permanent members of the Security Council had spoken in a similar vein from the beginning of the talks for implementation of the resolution and had since repeated it several times.

The Iraqis had been talking about the need to build confidence because of the lack of trust. Could confidence be built just by sitting down for a face to face discussion that would bring to each party's attention complaints and would present in a private form difficulties and concerns which after their resolution would build confidence and allow implementation to begin? During the past year, through different channels, the Iraqis had contacted many of Iran's embassies proposing that Iran should have private, confidential discussions outside the framework of the resolution and the UN in order to resolve their differences. If necessary, he could prove those allegations. He believed Iraq wanted to prolong the issue. When one went on the path of creating mutual confidence that was a subjective matter, not an objective thing one could grasp. It did not have a time limit or a limit in place. There was no ceiling, and in fact one could try to build confidence for the next ten years and after that perhaps only 80 percent of the issues would have been resolved. That would undermine the resolution in its totality. When the Iraqis were occupying Iran's territory, that was completely unacceptable.

With regard to the points that had been raised, he wished to state unequivocally that Iran was fully prepared to implement the resolution as integrated whole without leaving a single provision unimplemented. Iran was fully prepared to implement it according to the timetable the Secretary-General had proposed; the two critical provisions of the resolution were withdrawal and the POW's as mentioned also within the framework of paragraph 41. Iran was fully prepared based on paragraph 41 to co-operate completely and clearly leaving no room for misunderstandings.

Iran wanted to rebuild its country, it had no desire under any circumstances to keep the state of no war-no peace, which was detrimental to progress. Iran was a large country that required a great deal of reconstruction both because of the damage incurred during the Shah's regime as well as the destruction created by the war. Time was of the essence. Iran needed money. It needed to create confidence among its people with regard to the future. It needed to establish normal relations with other countries. None of those could take place in the circumstances of no war-no peace. Iran had about four times the population of Iraq. Its

people wanted employment, a future and education. The country needed to establish itself and to proceed on the path of progress; that required peace.

It had no problem in giving assurances in written form, so that one would have confidence that it was committed to what it had been saying verbally.

The Personal Representative said he had taken very careful note of the Minister's comments and had found it a very constructive contribution to the work. He thought he had identified on the Iraqi side two major problems: 1) the need to establish a comprehensive approach and 2) the need for a different way of making progress. As to the first item, he thought there was a constructive and useful method to take care of that concern without in any way leaving the main direction on which they had been embarked. That was why he thought the integrated whole approach, was a reasonable one. He had no interest in getting involved in a process that would lead to prolongation of the implementation. He hoped it could be done rapidly on the basis of simple, straightforward ideas. The current visit was an opportunity to try to work out such a formula. In that respect, confidence-building had not been mentioned.

Mr. Picco referred to the signs the Iraqi authorities were seeking and to the theory of the Foreign Minister of Iran. They were both based on the premise that what the Iraqis had been asking was for a direct meeting with a limited number of participants. For the record, it should be said that the UN side specifically had asked the Iraqi Foreign Minister if he could elaborate on what kind of sign or indication he would be expecting from Iran. In response, the Foreign Minister of Iraq had not said direct talks; he had replied that it was up to Iran to decide what should be the sign.

Ambassador Eliasson noted that when he had asked how Iran could prove its commitment, the Iraqi Minister had responded, without elaborating, "they will know". However, in a later conversation the Minister had hinted that the major issue was what had been said before: A comprehensive package and the need for a direct meeting.

As to the first issue, he thought there might be the beginning of the establishment of a formula that could work. The most fruitful route to pursue, in his view, was to gain as much as possible on paragraph 41, if that was acceptable to Iran and to Iraq. He had heard nothing that would speak against that approach.

On the question of a direct meeting, whether one liked it or not that had become an important political issue. However, he thought Iran should know that the Secretary-General was also feeling a bit of frustration although he knew the reasons were deeply buried. During the meetings that had been held so far approximately 40 to 50 people had been in the room, interpreters had been in their booths, journalists had been outside the door. That was perhaps not the most conducive type of meeting to discuss those very important issues between two countries that had waged almost nine years of war. That was the Secretary-General's view.

In the course of the past fourteen months, there had been a number of good meetings, and he referred particularly to one Mr. Picco had chaired with the participation of Iran and Iraq. The Secretary-General did not believe in any way that there should be a departure from the resolution. A new type of meeting was not being suggested as a replacement of something but perhaps as an additional possibility. He was aware of Iran's skepticism, but he himself had great difficulty in not seeing the virtue of trying it. Since it was an Iraqi request, they would certainly know that expectations would be raised, and he had mentioned that fact to the Foreign Minister of Iraq. While the Minister might or might not be correct in his theory, the Foreign Minister of Iraq had taken a line that was absolutely positive about resolution 598. Without being pressed, he had said it was absolutely necessary to have a UN presence in any such discussions. A new direct meeting could be the embryo with paragraph 41 forming the topic for discussion.

He had been sorry to hear the Minister's comment that the Iraqi Foreign Minister had considered solving the problem outside the UN context. He hoped, however, that it was an expression of the frustration he might also be feeling about the lack of progress.

Ambassador Zarif recalled that in the beginning when Iran had discussed the timetable with the Secretary-General, the Iraqis had said that they would not discuss it at that moment, but once direct talks began they would discuss it and everything would be resolved. The Secretary-General's comments were very similar, then and now. He then referred to reservations contained in a letter from Iran on 7 August 1988. The Iraqis would continue to bring more impediments, and such a new meeting would produce nothing. Another example was the four-point plan. When the Secretary-General had presented it Iran had said it would accept it. Tariq Aziz said that he could not respond at that point but would do so later in Geneva. After going to Geneva three times, he had still to respond. Iran believed the way to proceed was very clear: Saddam Hussein had said repeatedly that he had no problem with withdrawal; so why did he not just do so.

The Personal Representative noted that Iraq had always referred to the need for a comprehensive package.

The Foreign Minister said it seemed that until all the provisions of the resolution were implemented, Iraq planned to remain in Iran's territory. He pointed out that some provisions would take a long time, such as paragraph 4. To Iran that indicated that Iraq was after other things. He could say clearly and explicitly that if Iraq was true, other problems would be resolved. Iran had no way to justify to its people why it should sit with Iraq and try to build mutual confidence, when Iraq was occupying its territory without any reason and in contravention of the clear demand of the resolution.

The Personal Representative responded that it was not his understanding that Iraq wanted to see the implementation of all the resolution before it withdrew. The realistic working method now would be to work on the basis of paragraph 41 which would mean confirming the resolution as an integrated whole and by that, reassuring the consecutive implementation of the resolution in as strong a way as possible and at the same time starting the implementation of some practical points. That meant putting the key in the engine, getting it started, and seeing that the engine ran for the whole trip.

The Minister gave his affirmation to that idea.

The meeting then adjourned at 19.00 hrs.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyngs
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF THE ISLAMIC REPUBLIC
OF IRAN

(held in Tehran, on Sunday 5 November 1989, at 0900 hrs)

In Attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyngs
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Ali Akbar Velayati
Foreign Minister of Iran
H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
Mr. Mir Mahdi
Deputy Minister, Legal, Consular,
Parliamentary Affairs
Mr. Maleki
Deputy Minister, Research and
Training
Mr. Morteza Sarmadi
Deputy Minister, Public Relations
H.E. Mr. Sirous Nasser
Permanent Representative of Iran
to the United Nations in Geneva
H.E. Mr. Javad Zarif
Deputy Permanent Representative of
Iran to the United Nations in New
York
Mr. Hossein Kazempoor Ardebili
Adviser, Ministry of Foreign Affairs
Mr. Hossein Taremi
Coordinator, 598 Secretariat

Ambassador Eliasson brought up the question of POW's and transmitted some of the views he had heard from the Iraqi side. The Iraqis thought their release should take place right away and had referred to the resolution and article 118 of the Geneva Convention. They had also been somewhat critical of the Secretary-General's efforts and had said they had hoped for stronger support in the context of that article. They had referred to the Geneva conference at which Iranian representatives, in the planning stages, had made reference to the Secretary-General as being critical of any approach that departed from the resolution. That had been easy to answer in light of

paragraph 40 of the report which listed the three distinct issues which were seen as necessary preparation for full release and repatriation. He had further stressed to the Iraqis, the lack of reciprocity under the Geneva Convention. He had urged them to consider not only the three proposals that had been made in paragraph 40 but also to consider the release of other categories, such as children, young people, civilians, medical personnel and foreigners. By adding all those groups one could reach thousands of people. He hoped Iran would consider the possibility of releasing other categories besides those mentioned in paragraph 40.

He then referred to the flooding and to the fact that it had decreased lately which a recent New York Times article had also noted. It was a very good signal and it had been applauded by Security Council members and others. However, now there seemed to be a slight increase each day. As always, that would be given a political interpretation. He hoped Iran would make efforts to stop the flooding. He would be mentioning similar issues to the Iraqis, such as the burning oil wells.

The Foreign Minister reiterated his remark of the previous day that Iran had no problem with the report of the Secretary-General. As always Iran stood by its commitments and would hope that a similar commitment could be obtained from the other party, in a practical manner, so that there would be an agreement to proceed with the implementation.

Paragraph 41 had addressed two types of issues which were qualitatively different. One quality was issues that dealt directly with the implementation, the practical aspects; the second category was generalities and general statements. If for the actual implementation of the practical aspects of paragraph 41, one did not take significant steps, the other part, which was generalities, would be abused and misused by the Iraqis to prolong the discussion. What had been reported the day before about the Iraqi position had shown a good atmosphere, or at least, as he had understood it, had indicated that the impression had been rather more positive. However, apparently they had not gone into any details and had once again let it suffice to talk about generalities. One should not give paragraph 41 the same weight as the four-point-plan. Otherwise, after a year or more, one would have a bag of unimplemented proposals, but nevertheless they would have been discussed and modified, and tampered with. He hoped that the current mission would result in some sensible and practical steps to the implementation, so that one could create the ground work between the two parties, the region and on the international scene in the UN for more steps in the right direction.

With regard to the integrated whole nature of the resolution, Iran had declared its commitment and belief in that aspect of the resolution. Therefore, there was no problem and no

need for discussion if the other party was also committed to the integrated whole nature of the resolution. Iran had witnessed the other party using that idea. It was probably Iraq's insistence that was the reason for the current work on that topic; however, Iran had no problem with it.

The Minister said he believed that a written commitment to the Secretary-General by the two parties would be an appropriate method and would give him no difficulty. It had been a good suggestion to have the Security Council's endorsement and guarantees of that commitment, and Iran would certainly insist upon it.

With regard to entering into discussions on other paragraphs such as 6, 7 and 8, he wondered what that implied. Did it mean that other provisions of the resolution, which had been considered urgent, should be left aside, or did the Iraqi approach imply that everything should be done together. If the goal was to set the procedure and timing of the resolution, including paragraphs 6, 7 and 8, Iran had discussed that issue many times and had no difficulty in accepting verbatim the proposals which had been presented on paragraphs 6, 7 and 8 in July and August 1988, (the timetable which laid out the timing and procedure and the meaning of the other paragraphs). The other party could be asked whether it was ready to accept that implementation plan. Iran would not be prepared to enter into any discussion on those ideas which would certainly delay implementation of the urgent paragraphs of the resolution.

With regard to POW's, the issue had been spoken about at length and Iran had no difficulty in beginning the process of release and repatriation of the sick and wounded. He would repeat what he had said before: Iran had 50,000 registered Iraqi POW's. The other party had only allowed 19,000 Iranian POW's to be registered by the ICRC in Iraq. Iran wanted a balance in the number of POW's registered. With regard to visits to registered POW's, that could be done in a balanced manner on the two sides: one camp in Iran for one camp in Iraq.

The Personal Representative said he was grateful for Iran's commitment to paragraph 41 and, as he had mentioned the day before, he had received only positive comments from the Iraqi side. He could see the point in making that paragraph even more of a working instrument, which was something he had hinted at during his visit in Baghdad. The Minister's comments had strengthened his intentions. Paragraph 41 could be a very practical point of departure for the work since it contained all the necessary elements. He was also glad to hear that Iran had no problem with the integrated whole approach. He had noted that Iran had accepted the suggested forms for the commitment. He agreed it would be very good to have communications to the Secretary-General with commitments endorsed by the Security Council.

The Foreign Minister clarified that he had been speaking of the third proposal that had been offered.

The Personal Representative confirmed it was the one dealing with the form of the commitment. What would be written in such a letter was also important. One must take very good care to see that it was formulated in as strong, unambiguous and concrete terms as possible. He had also mentioned other possibilities, such as the issue of timing. When he had spoken about the possibility of extra comments on paragraphs 6, 7 and 8, that had been apart from the absolutely essential and clear details one needed on paragraphs 1, 2, 3 and the beginning of 4. The texts that had already been presented on paragraphs 1, 3 and 4 still remained. On those paragraphs, the four elements discussed on and after 1 October had had a considerable amount of time devoted to their time and structural relationships. He could envisage a time mechanism for the other parts of the resolution, and he thought the Minister would consider it a good idea to take up with the other side whether it would agree to a discussion on timing such as the one in July and August plan.

He asked the Minister to consider how a preambular language, either in the beginning of the MOU or in the beginning of paragraph 4, could be used. In the past, that possibility had been mentioned. Some parts of a text had also been read out. That could be a further way of strengthening the text of the resolution and could also help in the work in the next few weeks.

He had already mentioned to the Iraqis, in connection with their interest in direct talks, that the Secretary-General had authorized him to state his commitment to direct talks that would lead to fruitful results. To have such a meeting with a new format, apart from the other format, might make some progress possible. For a direct meeting there should be a clear agenda; the four points could be the embryo of such an agenda. He told the Iraqis that progress on an ad referendum basis could perhaps help set an agenda. He had said there were several texts that could be discussed and they could eventually be part of a package of understandings which could be relayed between the parties in a direct meeting: 1) the withdrawal text on the cease-fire and annex that included freedom of navigation, 2) POW's, 3) the beginning of paragraph 4, 4) preambular language. At the side or orally, one could have a discussion on the clearing of the Shatt. While he had mentioned the possibility of the four elements of 1 October, there had been no discussion on concrete texts with the Iraqi side, but as the Minister would recall from yesterday's discussion it had been a large part of the political discussions, particularly with the President of Iraq. As to the POW's, he was glad to hear Iran had no difficulty with the release of sick and wounded. He hoped he could interpret that as a willingness to continue to release them. He was sure that Iran did not hold the view that the Geneva Convention contained elements of

reciprocity. As to Iran's views on registration, he would present them to the Iraqi side. He had noted what had been said, and hoped it would lead to the resumption of visits which would be welcome indeed.

The Foreign Minister clarified that visits it would be camp-by-camp, on the basis of reciprocity.

The Personal Representative said he thought one should be reminded of the need to depart from discussion of numbers and comparisons of them. He had noted Iran's request, but he thought one always walked a difficult path when one tried to make number comparisons of humanitarian matters. He appreciated very much that Iran would be resuming visits and would be releasing sick and wounded prisoners.

The Foreign Minister recalled that three times Iran had unilaterally released sick and wounded POW's. The other party had not done anything; instead it had continued its propaganda about all POW's being released. Under any circumstances, the release of POW's would have to take place gradually, and even in the Secretary-General's proposal a period of three months had been put for their release and repatriation. Iran would not have a problem beginning again, if Iraq was prepared to reciprocate. An issue which Iran had brought to the attention of the ICRC several times and to which it had paid no attention (which did not enhance the ICRC's image in Iran) was the fact that each time Iraq had released POW's, between a fourth and a third of them were in fact civilians whom Iraq had detained at the beginning of the aggression when it had invaded Iranian cities and taken their inhabitants to Iraq. That was one of the issues that must be addressed and remedied. If the Iraqis wanted to continue to count them as POW's, there would be a serious problem because they were civilians who had had no part in the war.

Another issue that Iran believed should not be neglected but should be the focus of attention was the practical and urgent issue of withdrawal, so that one could have a sense of direction of where one was going. Otherwise, all the discussions would not have a starting point and would lead nowhere.

The Personal Representative said he would pursue those matters with the other side. He hoped he understood correctly that Iran would be taking the first step on the sick and wounded. He was positive the Iraqis would respond. The situation sometimes became very difficult when one got into a discussion of numbers. He would hope Iran could prove the strength of taking unilateral steps. He would then be equipped with a powerful tool to bring about movement. World public opinion would have the same view.

The Foreign Minister said that he would have no difficulty. However, he did not think it should be a repetition of the previous situation when Iran had simply taken unilateral measures and Iraq had not. Iran was prepared to begin but then Iraq must do something also.

Mr. Picco added that what Iran had been suggesting was perhaps not a first step but a second step. The first step had been taken by the Secretary-General in paragraph 40 of his report, which had contained something that could become very practical. Iran had just proved that had been the case. The UN was particularly appreciative that Iran had found it appropriate to respond, not to the other side, but to the Secretary-General. He hoped Iran would be able to go beyond concepts of reciprocity and numbers which were alien to the UN modus operandi.

The Foreign Minister went back to what had been said about the timing and structural relationships and said he had discussed in detail his views on that regarding the four-point plan. It was obvious when one accepted a plan the elements were not in a vacuum; it came with any package that time and structural relationships were among its elements. He thought one should not neglect the previous discussion. What had been worked on and discussed between his colleagues and the UN should be taken into account and used.

The Personal Representative affirmed that continuity was very important.

The Minister said that certainly Iran had no problem with the timing and structural relationships. If the discussions held previously were not sufficient for the purpose, then his colleagues were prepared to continue that discussion.

The Personal Representative then referred to the letter from the Secretary-General to the President of which he handed over a copy to facilitate an early translation.

The meeting ended at 10.15 hrs.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyans
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

(held in Baghdad, on 6 November 1989, at 11.00 hrs)

In attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Undersecretary, Minister
of Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conferences Department
Ministry of Foreign Affairs
H.E. Mr. Al Wittri
Legal Counsel of the Foreign Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Ayden
Assistant to Mr. Al-Qaisi
Dr. Zubeidy
Interpreter to the President

The Personal Representative said that he had found his visit to Tehran both interesting and productive. There had been some positive contributions to the process. The current effort was to try to build a structure with the resolution as the foundation. "We were currently in the process of putting together, hopefully, building blocks provided by both sides. Those blocks should be well put together to form an architectural structure. One must, however, start with the first block". That was why he needed positive contributions. He then outlined the meetings that had been scheduled in Tehran.

After explaining that he would be paraphrasing what he had heard in Tehran and that he would not be elaborating on the points that he had made, as they were views that already were well known to the Iraqi side, he said he had begun by presenting the views of the Iraqis on future relations and the desire for peace which, in general terms, had been received positively. Iran had considered them conducive to creating a positive atmosphere, and had referred to them when they had presented some positive formulations.

He thought it was fair to say that the tone in which the

talks had been held had been low-key, and there had been no acrimonious or harsh language used against the Iraqi side. In the discussions with the President there had been a couple of statements made that had been introduced by saying that the Personal Representative could "convey them to President Saddam Hussein."

The Foreign Minister had stated that Iran wanted a comprehensive and lasting peace with Iraq and the implementation of all provisions of the resolution. That had been repeated several times. Iran had said it wanted to rebuild its country. Therefore, there was no desire under any circumstances to keep the country in a state of no war-no peace. That would be detrimental to Iran's development. In the Tehran Times, there had been an editorial of the same date as the meeting that had spoken of no war-no peace as "a strait jacket". That had been referred to during the talks. Iran had said that much reconstruction was needed. It wanted to instil confidence in the future among its people and to establish normal relations with other countries. It had said that its people needed employment, a future and education. That required peace. Time was of the essence. Iran had said it had no problems in giving assurances as to its intentions for peace. On reconstruction, Iran had quoted the production capacity of its refurbished Abadan refinery as something over 200,000 barrels a day, but it could be set ablaze by a mere shogun. Other cities were under reconstruction including those along the border. West Bakhtaran had been particularly mentioned. Those were practical signs and steps that Iran was not seeking to restart the conflict.

On demobilization, he had been told that "tens of thousands of Iran's military had been released from duty". Iran had also said its record in creating confidence had been no worse than Iraq's. He had heard in his meetings that the points he (the Personal Representative) had made about the Iraqi positions had shown a good beginning. However, implementation itself was the best confidence-building measure. Withdrawal would be the best way for Iraq to show its willingness for peace. That Iraq had not consented yet to concrete ideas that had been presented by the Secretary-General, in Iran's view, did not show that Iraq wanted the peace process to move forward rapidly at that stage.

Iran had stated repeatedly and unequivocally its commitment to the integrated whole character of the resolution and that had been repeated in different formulas. They had said that not a single provision should be left unimplemented. The Iranians had shown interest and had commented on his own ideas with regard to safeguarding the implementation of the resolution as an integrated whole. Iran had furthermore had no problems with paragraph 41 of the Secretary-General's report as the way to proceed with the implementation and the discussions. Iran was fully prepared to co-operate on that basis: completely, rapidly and clearly, leaving no room for misunderstandings. He thought

that that basis was related to paragraph 41. Iran had said it was ready to give the necessary assurances with regard to the implementation of the rest of the resolution; however, that question should not be allowed to delay implementation of what should have been implemented without delay. A prolonged discussion on those matters should be avoided. If the goal was to set procedure and timing for paragraphs 6, 7 and 8, Iran had no problem; it had already accepted the Secretary-General's suggestions of July and August 1988.

Apart from the discussion on the importance of the resolution in which the POW issue had been a very important part, Iran had expressed its readiness to take some practical steps now or soon. It had declared its willingness to resume the process of releasing sick and wounded prisoners. To a question by the Minister on what basis that would be done, the Personal Representative replied that Iran intended to take a first step in that regard. A strong hope had been expressed that Iraq would reciprocate. The Personal Representative explained that after questioning the Minister, that had not seemed to imply a condition. Iran intended to take the first step. He thought the Iranians would be able to proceed rather soon, though they probably would want to wait at least until hearing how it had been received in Baghdad. Iran had also stated that certain persons of those previously released by Iraq had been in fact civilians who should not have been counted as POW's.

The Foreign Minister then added that all those that had been released had been registered with the ICRC, and Ambassador Al-Qaisi clarified that they had all been registered as sick and wounded.

Continuing, the Personal Representative said that Iran had been willing to allow visits by the ICRC to the registered POW's. However, that should be done in a balanced manner on the basis of one camp in Iran for one camp in Iraq.

The Foreign Minister noted that the visits in Iraq had been regular and had never been interrupted.

Mr. Al-Wittri added that every six weeks there was a visit to every camp in the country, and he added that there were only two persons in Iran for such work while in Iraq there were twenty ICRC personnel.

The Minister noted that it might be that Iran had more camps than Iraq and he wondered how such a basis for visits would be handled, and the Personal Representative indicated that would be something to discuss with the ICRC.

The Minister thought the comments he had just heard revealed the real intentions of Iran.

Mr. Al-Wittri remarked that there had been no protection for the POW's in Iran, who had not been visited over the last two years, and the Personal Representative reiterated that Iran was now opening up to visits to all those registered.

The Minister said that when the ICRC had visited the camps in Iran they had not been given the opportunity to talk to POW's. That had not been the case in Iraq.

The Personal Representative said that if visits turned into a reality, the ICRC would work out the details. He said Iran was still concerned about the imbalance in the number of unregistered POW's. He had pointed out that there were many more unregistered POW's in Iran than in Iraq.

The Personal Representative then turned to his meeting with President Rafsanjani. The President had said that continuation of the war was not in the interest of the region and that his region needed peace. Iran had that belief and had made that commitment. He had said that both Iran and Iraq had to prevent war and conflict in the region and he had stated as evidence tht Iran had no ambitions on Iraqi territory or Iraqi interests. Peace must be established on the basis of preserving the interests of both parties.

In the final analysis, the President had said, there had to be co-operation and good-neighbourly relations between Iran and Iraq. That would be to the benefit of the region and to its people. Therefore, Iran was ready to establish good-neighbourly relations with Iraq. In pursuing that goal, Iran was not seeking any concessions from Iraq nor was it ready to give any on its own part. The President had repeated some of the matters that had just been mentioned on reconstruction such as that in Abadan. He had given those examples saying that Iran could thus prove it was sincere and really wanted peace. Iraq could detect those signs and be sure, the President had added.

Iran had also accepted the approach for implementation as outlined by the UN: the approach of the integrated whole, and paragraph 41 of the report. In sum, he had said the political will to reach peace with Iraq existed in Iran. The Personal Representative added that he had been asked to make sure to convey that to President Saddam Hussein. However, Iraq should not ask for concessions; that would spoil the efforts.

The Personal Representative mentioned that some UNIIMOG matters had also been discussed with the President.

The Personal Representative said that ideas about a direct meeting had been taken up very strongly by the UN side during the visit in Tehran. In fact one of the Iranian representatives had

asked after listening to the presentation whether the whole aim of the exercise was to have a direct meeting, which showed how strongly it had been pressed in Tehran. He could say that in his view, at least, the door had not been closed. However, Iran had expressed concern that such a meeting might be used with the possible aim of prolongation.

The Foreign Minister wondered whether Iran thought it would take more time than the fifteen months that had so far been lost.

The Personal Representative hoped that Iraq was aware of how strongly the Secretary-General felt about trying to find an additional format for a meeting. One question that had been put to him in Tehran was the reasons that would justify the high expectations evidently held by the Iraqis for such a meeting. That was symptomatic of where one stood on that matter. He would pursue it again in Tehran. He indicated that he had also taken up a few other matters of concern to Iraq such as the flooding.

The Minister then addressed the organization of work for the coming days, and the Personal Representative noted that in airline terminology there was a maximum baggage requirement; he wanted the Minister to know that, on his part, he was more concerned about the minimum baggage requirement!

The Minister then said that what he had heard had been generalities which would have to be assessed carefully but he wanted to refer to a specific matter: the issue of POW's. When Iran had referred to some steps in that regard it had been in the line of figures and reciprocity. That did not show goodwill in solving the question of POW's because there were different numbers here and there. When ICRC had insisted on proportionality, that did not mean equal numbers. When Iran had spoken about visits to the camps, one camp for one camp; when it had spoken about those registered and unregistered, that also had been in terms of figures. The question of POW's had to be approached in a comprehensive manner. When one spoke about the unregistered, one had to show readiness to register all and not just count those here and there and then register the same number as the other side. That would not solve the matter, which would still be used as a political tool for reasons that would not help the peace process. He said those were his initial comments, and he would like them to be conveyed to the Iranians. Any steps in that regard had to be based on the proposals and guidelines suggested by the ICRC.

When it came to the sick and wounded there was an agreement that had been reached the previous year with the ICRC. Iran had not respected that agreement. If Iran wanted to proceed, there would be no problem because Iraq had already agreed to it. It had to be implemented fully and in good faith without dealing in numbers and using old justifications for not releasing this or that person. He could assure that Iraq was ready to

reciprocate any genuine move toward ending the agony of the POW's on both sides. Iraq's position in that respect was very clear. Generally speaking, Iraq's strong feeling, and indeed its position, was that that question, as he had mentioned in the previous meeting, should not be tied to the political process. It was a question which had its own merit. It was a question which should be dealt with by the International Convention. There was a guarantee for that Convention, the ICRC. Paragraph 3 in letter and spirit reaffirmed the fact that the question had to be solved immediately after cessation of hostilities in accordance with the Convention and by the ICRC. He hoped Iran would know that fact and reciprocate.

Just to make the record clear, the Personal Representative said that he wanted the Minister to know that some of those points had also been made by him; the Minister could rest assured that he had spoken about the need to move in the direction of good-neighbourly relations, the need for full implementation of the resolution, and that he had pressed for the integrated whole approach, for the direct meeting, for progress on POW's, reconstruction efforts and demobilization. It was for Iraq to make the assessment. His own assessment, though, was that there had been interesting and, in some respects, positive moves. He said he was thinking of some of the expressions used about the direction in which future relations between Iran and Iraq should go. He was also thinking in more concrete terms, as a negotiator, about the progress that had been made on the integrated whole approach where he had tried out the formulas that had been read to the Iraqis earlier. In general, they had been met with a positive response in substance and in form, including those relating to letters to the Secretary-General and endorsement by the Security Council. There were other concrete measures that he hoped one could say were moving in a good direction. It would be good to revive what had happened last November; of course the ICRC was the one to deal with that. He thought the collective sum of his visit to Tehran deserved a response, and he was sure he would have one which would contribute to building the structure that everyone wanted to have.

The Minister said he could assure that when Iraq received a positive signal from the other side it would reciprocate in the same manner and even better if the belief in peace was genuine, as his President had explained in the meeting the other day. At the same time, one had to compare between the spirit or the content of the generalities and the specifics. When he detected a contradiction, he had to be cautious. When he saw harmony between generalities and specifics that would strengthen his confidence. He had to say that he had not liked the spirit in which the question of the POW's had been handled by Iran. He still felt that that manner was not in harmony with the generalities he had heard.

The meeting ended at 12.10 hrs and it was agreed to hold another one at 17.00 hrs that afternoon.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

Held in Baghdad
on Monday 6 November 1989, at 17:00 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conference Department
Ministry of Foreign Affairs
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister
Dr. Zubeidy
Interpreter to the President

The Personal Representative of the Secretary-General began by saying he would like to repeat some of the key portions of his conversation with President Rafsanjani and also from a meeting with Foreign Minister Velayati. He would do so in a paraphrased manner.

The President had said that on Iran's part, the moment when it had decided to accept resolution 598 that decision had been based on an assessment that continuation of the war was not in the interest of the region and that the region needed peace. Iran meant that commitment and believed to the current moment that as long and as far as possible one had to prevent the resumption of war and conflict in the region. As had been

recorded at the meeting with the President of Iraq, he had wanted to say very explicitly and clearly that Iran had no ambition on Iraqi territory or no ambition against Iraqi interests. Iran believed peace could be established if the interests of both countries were preserved.

The President had told him that he could inform Iraqi officials on his return to Baghdad, on his behalf, about Iran's views that in the final analysis, with co-operation between Iran and Iraq and good neighbourly relations, one could meet the interests of the region and the interests of both countries. Therefore, Iran was indeed willing to establish good neighbourly relations with Iraq.

That was one side of his statement. The other side was that in order to achieve that goal Iran was neither seeking concessions from Iraq nor was it prepared to give any concessions, the goal being, of course, good neighbourly relations. Lastly, he had said that after the many examples he had given on reconstruction, demobilization, POW's, and so forth, in any case Iran had proved it was sincere and really wanted peace and Iraq would be able to detect such signs and would be assured. He said that Iran had accepted almost all the suggestions of the Secretary-General and the plans for implementation. Iran had also accepted and agreed with the Secretary-General's most recent proposals contained in para. 41 of his report.

The Personal Representative reiterated that the above was the more detailed report of what he had said earlier on the President of Iran's remarks. The President had also said something directly to the President of Iraq about which he would ask the Minister for a private word after the meeting.

As for his meeting with Foreign Minister Velayati, he had already mentioned his remarks about peace and good neighbourly relations and to that he would like to add the end of the first day's conversation, and again he would be paraphrasing.

He had said that Iran wanted to rebuild its country. It had no desire under any circumstances to keep its country in a state of no war-no peace. That would in fact be detrimental to its progress. Iran was a large country which required a great deal of reconstruction, both because of the destruction during the Shah's regime as well as that brought about as a result of the war. Iran had to work; time was of the essence in that process that must be undertaken. Iran needed resources. It needed to create confidence among its people with regard to the future. It needed to establish normal relations with other countries. Those could not take place in the circumstances of no war-no peace. Iran had a large population. Its people wanted employment and a future and education. The country needed to establish and proceed on a path of progress and all of that required peace. His Government would have no problem giving assurances

even in written form so that the Secretary-General could have confidence that it was committed to what it had been saying.

The Personal Representative said that those were the two more detailed pieces of information he had wanted to give. In a more general nature, he referred to something the Minister had said at the first meeting about the way in which political understandings could be reached. He had referred to Algiers and had said that actually in two or three days one could reach political understandings and he had rightly remarked that political decisions did not require lengthy discussions. He had made the reflection that when Iraq in 1988 had insisted on direct talks, it had probably had in mind the same expectation: reaching a political understanding would require a political decision and not a lot of time for diplomatic engineering. He said the need for political decisions had been stressed to the Iranian side if progress was to be made.

Both sides were committed to implement resolution 598 as an integrated whole, it now seemed. He was even willing to give reassurances to that effect in a form and in a substantive way that would satisfy all demands. However, inevitably, it seemed to him that the fact that the two sides might still have different interpretations of the 8 August letter had to be faced. However, he thought one should try to avoid lengthy and detailed discussions on the interpretation of the letter. As the Minister had clearly stated, what was needed was for the two sides to assure each other that they wanted to pursue the path of peace and good neighbourly relations. That could be done in a productive and constructive manner during the current trip. It could have a constructive and valuable purpose now. he thought the type of meeting that Iraq had suggested could be useful and could unblock the process and provide an occasion to have a "heart to heart" discussion. However, for that type of meeting to have a good chance to be fruitful, it should be properly prepared and have reasonable prospects for making concrete progress, in his view. The two sides could help each other and help the UN at that stage by exchanging the right signals and by being prepared to work on what could be the concrete results of what he would call a "political meeting", namely the implementation of the resolution and para. 41 of the report which, in his view, provided the path to reach that goal and would be the most practical way to move ahead.

That work should be pursued now since he knew the Secretary-General would probably question the wisdom of a meeting without the proper preparation and some indication of positive results. Therefore, it was necessary to make progress during the current trip. The shuttle might be used by both sides to create the necessary background for a political meeting with the kind of discussion that had begun in Baghdad and Tehran. Work could be done on a political formulation for the implementation of the resolution, in order to make concrete progress.

In that regard, the suggestion put forward by the Secretariat in its report of September, and particularly in para. 41, might be useful. It represented a philosophy and a practical way forward. It was not for him to speak for Iraq, of course, but it sometimes seemed it was easier for someone not involved in a dispute to work on a formulation for those substantive matters and to present them. Of course, the formulation would have to be refined as needed, taking into account the comments of both sides. He said that knowing the forthright answer the Minister had given him at dinner when he had asked what to tell the Iranians when they asked what the Iraqis meant by peace. The answer had been, "they would know"; in the same way, he knew that the Minister would know how to move the process forward, and he was confident that he would do so.

The Personal Representative then expressed the hope that he had clarified some of the remarks that had been made in Tehran, as well as the ideas on how to move ahead. He thought that if everyone would try to work on the philosophy and on a concrete form on the integrated whole approach, and to have substantive indications on the integrated whole and on specific elements, then he thought one would move forward in a constructive manner.

The Minister then inquired what had been the reaction to the emphasis on the necessity for direct talks to create the political understanding.

The Personal Representative recalled that he had told that morning of the skepticism of Iran who feared it would lead to long discussions that could mean a delay in implementation. It could lead easily away from the role of the resolution and the role of the Secretary-General. He said he had repeated very strongly that Iraq had volunteered the information that that would not be the case. Then there had followed a long discussion where he had argued in favour of the meeting. He felt there might have been a misunderstanding that such a meeting would replace other types of meetings but, in his view, it would be an additional possibility. He felt that that misunderstanding had been clarified. There would still be the possibility of meeting separately, as well as having trilateral

meetings and more intimate meetings that would provide an opportunity to speak to each other in a more meaningful way. In the end, Iran had remarked that it would like to have the reasons that would justify the high expectations of the Iraqi side for such a meeting.

The Minister inquired whether that question had been asked before or after the meeting with President Rafsanjani and the Personal Representative responded that it had been after. The Minister said that if he had understood the signals from the meeting with Iran there was the political will to reach some agreement; therefore a meeting had its own reasons. When both sides told the Representative of the Secretary-General that they were ready to establish peace then, he wondered, would that not be a good reason for the two sides to sit and make peace.

The Minister and the Personal Representative then retired to the Minister's office for a meeting in private.

The meeting ended at 17:45 hours.

* * *

After the second meeting on 6 November 1989, the Personal Representative had a tête-à-tête conversation with Foreign Minister Tariq Aziz.

He told the Minister that he had mentioned to President Rafsanjani his remark on the Algiers Treaty ("only a couple of days are needed for political understandings").

President Rafsanjani had replied "You can assure Saddam Hussain that the political will to reach peace with Iraq exists in Iran. But Iraq should not ask for concessions; that would ruin everything". The Personal Representative told Aziz that when recalling those remarks the last sentence could have been uttered in a more direct manner like "they would win the whole thing". He and the President were standing up on the occasion and formal note-taking had not taken place.

Tariq Aziz took note and stated that the difference was very little.

The Personal Representative further told Aziz that it was his firm impression that the Iranians, by "concessions", meant anything that could undermine the 1975 treaty.

Aziz said that had been broadcast by Iranian radio after the meeting with the Personal Representative.

The Personal Representative confirmed that the 1975 treaty had been mentioned in the talk, however, the reference to the 1975 treaty had been made in connection with the discussion of good-neighbourly relations, and not with border issues. Furthermore, the translations sometimes could be rather oblique.

At any rate, the Personal Representative said it was obvious that the question of the Iranians insisting on the validity of the 1975 treaty and the Iraqi claim of sovereignty over all of Shatt-al-Arab were two crucial and very controversial positions. If one were to come to a conclusion on that issue currently, the implementation would be very difficult to achieve at this stage. If, however, one were to agree to postpone the discussion until paragraph 4 was reached, one could very well make progress now.

Tariq Aziz nodded and said that he would report to his President and return with the Iraqi reactions the following day, during which he hoped there would be two meetings.

In parting, Tariq Aziz said that Lebanon had been giving him considerable work right then and that Iran's actions and policies in that regard were not helpful. Iraq had to take everything in the area into consideration.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

Held in Baghdad
on Tuesday 7 November 1989, at 17:30 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conference Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister
Dr. Zubeidy
Interpreter to the President

The Foreign Minister began by saying he had studied very carefully what he had been told about the talks with the Iranian side and he had prepared a number of comments. He said for the sake of clarity he wanted to make his comments in Arabic and they would be interpreted into English by Dr. Zubeidy.

The Minister then proceeded to read prepared comments, as follows:

1. "We are pleased with the assurances expressed by the Iranian side about their desire to establish relations of good neighbourliness with Iraq. This has been the desire of Iraq throughout. It has been a desire affirmed by Iraq during even

the first days of the military confrontation. It has been a desire declared and reiterated time and again to our people and to the world at large. During the time of difficulty experienced by Iran, as for instance was the case when Imam Khomeiny died, we never exploited any opportunity to pressure or influence the Iranian regime because our objective has always been the establishment of good neighbourly relations with Iran regardless of the type of regime prevailing there.

"The only interest we have in the type of government there has to do with its position on war and peace. What is important, in our view, is that the Iranian officials stress the relationship of good neighbourliness only in closed meetings with the United Nations envoy. These assurances should come out into the open and become declared and firm policy, a policy in which the people of Iran should be educated just as Iraq has educated its people throughout the war, and continuously up to this date.

"The declared Iranian attitude or position in this regard has not changed. They still maintain dealings with their stooges whom they call the Iraqi opposition. They meet with them openly, providing them with the means of action and they continue to issue hostile statements. We, as people involved in politics, as is the case also with the Iranians, tend to compare deeds with actions. Words can never acquire significance unless they are in harmony or correspondence to deeds or actions. If we want to operate or create a climate of peace in the region, then the statements of both sides should highlight the necessity of peaceful co-existence between neighbouring peoples and the significance of avoiding war or the threat or use of force. There should be an affirmation that the usurpation of the right of others is not permissible, that to achieve illegitimate gains as a result of the use of force or the threat of the use of force, is not permissible not only now but also in all times and in all places.

2. "President Rafsanjani stressed that Iran did not seek concessions from Iraq nor is Iran prepared to give any concessions, and we agree on this fully. But we have to realize that the circumstances after the war are not the same circumstances that preceded the war.

"If the Iranian side wants us to respect its sovereignty, then the Iranian side should respect our sovereignty. The Iranian side stresses the question of terminating the Iraqi presence on small patches of Iranian territory on which the Iraqi forces were present during the implementation of the cease-fire. The Iranians, however, ignore the fact that the Shatt-al-Arab is an Iraqi river and that the circumstances following the cease-fire have in fact prevented us from exercising our full rights of sovereignty over this region as the circumstances have in fact prevented Iran from exercising its right of sovereignty over small

patches of Iranian territory. Hence the present situation in the Shatt is considered by us to be as an Iranian occupation of the Shatt. It is imperative therefore, that the urgent interests of both sides also have to be taken into consideration. The failure to recognize the Iraqi sovereignty over the Shatt means the achievement of gains at the expense of Iraq and this runs counter to the rule above mentioned and by this rule I refer to the fact that no side ask for concessions from the other or give any to the other.

3. "Yesterday I commented in a preliminary manner on the Iranian attitude or position on the question of the POW's. The position they adopt and which you conveyed to us is contrary to the general principles which they mentioned. They deal with this subject on a number for number basis. This means that they still have a desire to blackmail, and it is contrary to the principles that they mentioned. I explained to you yesterday the position on this issue. a) The question of the POW's should not be linked to the political negotiations. b) It is a humanitarian question affecting Iraqis and Iranians and it is a question that is arranged by a special agreement, which is the Geneva Convention of 1949. It is therefore a question which should be resolved according to the Convention and under the auspices of the ICRC. c) When we spoke of steps, that is the steps to resolve the question of the POW's, every step taken must proceed from a comprehensive approach.

"The release of the sick and wounded means that all sick and wounded on both sides should be released and not merely equal numbers of the sick and wounded. Registration means all unregistered POW's should be registered and not merely equal numbers on both sides. Release and exchange means the release and exchange of all and the steps taken towards this objective must proceed on the basis of proportionality outlined by the ICRC. Any bargaining on these matters means an absence of goodwill and is contrary to the general principles.

4. "The Iranian side spoke of its desire to establish relations of good neighbourliness with Iraq and also spoke of future co-operation and we welcome that. There is now para. 6 of the resolution. We believe strongly that it was the Iranians who committed aggression against us. They aggressed against the sovereignty of Iraq and interfered in Iraq's internal affairs. They violated the 1975 Agreement and inflamed war. We have incontrovertible proof of that. The Iranians say the opposite of that. How do we address this contradiction in the positions adopted by the two sides especially when we speak about relations of good neighbourliness and future co-operation.

"In this regard, there are questions that may be put now or later to you at the Secretariat, questions relating to certain details about para.6. Clarity on this subject is essential and fundamental. This would help make clear the features of the package now being proposed by the Secretariat

on the one hand and so that the relationship between this and the aspect of good neighbourliness, future relations and the avoidance of renewal of hostilities on the other hand, should be clear."

(As a clarification of the above, the Minister said questions could be asked now or later about para. 6. Iraq wanted to know as much as it could about the features of the package that had started to be discussed at the first session of the current visit and to know the relationship of that question with good neighbourliness and future relations with Iran on the other hand.)

5. "Good neighbourliness should be regulated by a treaty, based on the principles of the UN regarding good neighbourly relations and non-interference in the internal affairs of others.

6. "The position adopted by the Iranian side on the 8 August agreement and on direct talks is contrary to the way they speak about good neighbourly relations. How could they reject to sit together with those with whom they want to establish relations of good neighbourliness. This is a contradiction. We have always said that the rejection or refusal of direct talks conducted under the auspices of the Secretary-General means the absence of desire for peace. The delay of the direct talks for the past fifteen months now means a delay in the process of peace. Direct talks do not cause a delay in the process of peace. The contrary is true in fact, and we now have the experience of fifteen months. What would have happened had we sat face to face from the very beginning as of August 1988 and continued direct, deep and genuine and frank talks. In my estimate the results would have been better than the present situation. They raised scepticism about the utility of direct talks during your discussions in Tehran and that is a negative. Their position on this matter is the reason for the delay in the process of peace. If we can talk about feelings or sentiments it would have been more natural if we were to reject direct talks with the Iranians. Now, after what they have done to us, a war of eight years, aggression against our sovereignty, desire to destroy us, even when they accepted the resolution their position was a hostile one and the statement made by Khomeiny in this respect is very clear. When I call for direct talks, it is because of the harmony between the principles we declare and what we call for or do in terms of actions. Direct talks is the method which leads to peace and to the establishment of good neighbourly relations."

The Minister said what followed were Iraq's observations on what had been heard with regard to the visit to the Iranian side.

"There are fundamental issues for both sides. Each side when it put forward what it says was fundamental and urgent should not forget what the other side might see as

fundamental and urgent and that was a matter that calls for serious consideration and candid answers, so that one can really achieve implementation of the resolution as a peace plan and so that one can really establish relations of good neighbourliness. That requires direct talks to be conducted without excluding direct talks at another level. At the current stage one must avoid any action that might ignite the fire along the boundary line such as what happened in the tugboat incident."

The Minister then read out the following message from his President to President Rafsanjani:

"President Saddam Hussain has received with satisfaction the message from President Rafsanjani. We want peace with Iran. We want peace with the present existing government in Iran. We have no desire to keep even one inch of Iranian territory because we affirm our determination not to permit Iran to keep even one inch of our territory. He who respects his own rights has to respect the rights of others. Because we respect our own rights and insist on them, we respect the rights of Iran and will not infringe upon them. We have the desire to establish good neighbourly relations with Iran and relations based on non-interference in internal affairs. Such a relationship would open the way for a fruitful co-operation to be established not only in the interest of the two countries but also in the interest of the security and prosperity of the region as a whole".

The Personal Representative thanked the Minister for his comments and the message. In view of the importance and seriousness of those communications, he thought it would be better to take a small break to consider the matter.

The meeting ended at 18:30 hours, to be resumed later that evening.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

Held in Baghdad
on Tuesday 7 November 1989, at 21:30 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conference Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister
Dr. Zubeidy
Interpreter of the President

In opening remarks the Minister mentioned that he had just been watching his President on TV, and he had given much the same message that had been given to the delegation earlier that evening.

The Personal Representative thanked the Minister for the very informative and clearly prepared presentation he had heard earlier that evening. The contents were of a very serious nature and must be treated and analyzed with great care and attention. What was being dealt with was not only a matter of the importance of the resolution but also the direction, at that important juncture in relations between Iraq and Iran. Therefore it was important that every step taken lead forward on the road to peace. He was confident that had been part of Iraq's consideration in preparing its response. Because of the gravity of what was being discussed, he would limit himself to a few preliminary reflections and perhaps ask for a few clarifications. He would hope to meet the Minister again the next day. He was sure the Minister would share his view that it was important that there be no misunderstandings or lack of clarity when he and his delegation returned to Tehran the next evening.

A preliminary conclusion that one perhaps could draw, and he hoped he was right, was that Iraq was prepared to enter into serious discussions of a package for the implementation of the resolution. What had been suggested to Iraq was a way to implement the resolution as an integrated whole while bearing in mind the need to make progress in the implementation of some specific and concrete elements of the resolution. He was confident that the suggested way to move forward was possible and even advisable.

Iraq's comments that evening could, with positive developments in both Baghdad and Tehran in the discussions of those points, represent the beginning of a dialogue on substance between Iran and Iraq, which, in his view, should evolve, continue and deepen so as to make possible the implementation of the resolution. He was glad to note Iraq's interest in further clarifying the various aspects of the package idea that had been suggested by the Secretariat. The Minister's remarks, in his view, were not at variance with the philosophy contained in the Secretary-General's report to the Security Council of 22 September, and he had in mind particularly para. 41.

In that context, he would be ready to discuss with Iraq how those ideas could be further used. In fact, what he had heard that evening had been concrete indications pertaining to some elements of the resolution. He would seek from the Minister further indications on those and other aspects of the resolution. He would also convey to the Iranian side the

important remarks Iraq had made. As he had told the Minister the day before, the UN thought it worth proceeding along two main lines: the integrated whole nature of the resolution and implementation of specific elements on the one hand, and, on the other, the exchange of signals between the two sides as begun by President Rafsanjani and President Saddam Hussein during the last few days. It was of course normal that at the beginning of such a dialogue, both sides would define their interests and their rights in ways which would be affected by eight years of conflict.

As to the Minister's earlier intervention, he had taken positive note of the message contained in his introduction and in the President's statement. The President's message on good neighbourliness would of course, be transmitted to the Iranian side and would hopefully establish a dialogue, a channel of communication on the most authoritative level, between the two countries.

He then noted some specific matters that could perhaps be the subject of clarification. He had noticed in the statement that the issues of withdrawal and the Shatt-al-Arab had been mentioned in the same context. He was confident that Iraq did not mean that withdrawal could only be carried out at the end of the negotiations envisaged in para. 4.

On the POW's, he asked if he had understood correctly that if the Iranian side started to release the sick and wounded then Iraq would release its own sick and wounded. He wondered if Iraq would be prepared to begin the registration, if it were followed by a similar act by Iran.

It would also be interesting to know if Iraq would be willing to go to a meeting with a fixed agenda, or at least a clear view of what would be discussed, and to discuss the ideas put forward by the Secretariat in para. 41 of the report to the Security Council.

In sum, Iraq had raised some very important and difficult issues and he had noted that the Minister had seemed to choose the road of tackling the issues "head on". It was important, he thought, to envisage when the Minister felt one could deal with those key and crucial issues: during the current trip, or at later time, or perhaps at a direct meeting with the two sides. He inquired how the UN could help to move the process forward in a constructive manner during the trip.

He was heartened by what seemed to unite the two sides and by some similar formulations; and in particular by both sides' great desire to move into an era of good neighbourly relations. There also seemed to be a common view on the need to accept the integrated whole nature, although the emphasis by the two sides on different elements was strongly at variance. Even the very important and difficult issues in the end required a format, a framework; and he hoped the Minister would decide to discuss those important issues, perhaps during the mission, to provide possible ways to move forward.

The Minister thanked the Personal Representative for his preliminary remarks and reflections on the statement he had made. About the subjects he had been asked for clarification, he took up first the question of withdrawal and whether Iraq envisaged that it would be carried out only at the end of the negotiations envisaged in para.4 and where he had referred to the question of the Shatt: the presence of Iraqi forces in Iranian territory and the current state of the Shatt were of the same nature. They were matters of sovereignty. Therefore, at that stage, he could not make any comment.

About the question of POW's, he thought Iraq's position was clear. It was ready to move forward with that subject along the lines he had stated that afternoon and earlier, which were very well known to the UN. When Iraq spoke about the sick and wounded, it meant all of those who were registered by the ICRC. The ICRC had its records about who were so defined and they all should be released as had been agreed in November 1988. Perhaps now there could be more released. He did not know the figures. Those who had been registered by the ICRC as sick and wounded should be released or repatriated regardless of their number. At that time, or afterwards but as soon as possible, Iraq would be ready to start registration of all the unregistered. He added that in registration there was no question of proportionality. The steps would have to be so based to safeguard that all the POW's would be released and repatriated. That had been a suggestion made by the ICRC which Iraq had accepted. It was in line with the Geneva Convention and in compliance with his President's position on that subject.

As to the third question, the Minister said that Iraq had never questioned the utility and usefulness of meeting with the Iranians. Iraq always had said it was prepared to do so. He commented, however, on the futile nature of the previous format in which one had not had real dialogue. If the Secretary-General were to prepare a round of meetings with the other side, Iraq would immediately respond.

When addressing the fruitfulness of such a meeting if there was an agenda or matters prepared in advance, that would be preferable, but Iraq did not exclude the importance of a meeting just for the purpose of speaking freely because both formats would be needed to reach the common understanding that was still needed and which had been mentioned in the letter of the Secretary-General of 8 August.

Concerning the package or the ideas, he had referred that afternoon to the importance of clarification so that one could envisage what kind of package one was going to have. At that stage of the mission he believed that there were some issues that would have to be clarified by the Iranians and some questions that would have to be answered by them directly and not by the UN. When they gave the necessary answers to the questions that had been raised that would help to clarify the work that would be tackled in such a meeting. Since Iran had been speaking very much about the prolongation of the peace process, the earlier the answers, the sooner would be the speeding of the peace process.

As to the last remark the Personal Representative had made, the Minister said he always appreciated the contribution of the Secretariat to the work. Iraq had always said that work should be under the auspices of the Secretary-General or the Personal Representative, and with the participation of their team. Of course, the UN would make a contribution to the whole process, one highly valued by Iraq.

The Personal Representative then asked whether Iraq would respond if the Iranians were to begin the release of the sick and wounded.

The Minister said, " yes, Iraq would respond". If Iran was interested in reviving the agreement with the ICRC, Iraq would be willing to send people to Geneva so both sides could meet with the ICRC and conclude the earlier agreement. After a discussion with Ambassador Al-Qaisi, the Minister said that regarding the question of the sick and wounded, the ICRC had been responsible for the details of such a release. If the Iranians would agree to move on that subject, Iraq would send its officials to Geneva to meet with the ICRC about the arrangements. The Personal Representative could be assured that Iraq would fully reciprocate. He added that when he had gone to Geneva earlier that year he had taken the names of the unregistered POW's with him and had put them on the table, hoping that Velayati would respond likewise.

Mr. Picco clarified that in the discussions in Tehran Foreign Minister Velayati had indicated that he was prepared to release the sick and wounded prisoners. The UN had tried to go a step further and had encouraged him to be the first to start that resumption. It was his impression that Iran would be favourably inclined to do so. It was in that context that Ambassador Eliasson had mentioned that Iraq might wish to take the lead with regard to registration of the remaining prisoners.

The Foreign Minister said no; he would reciprocate with agreements with the ICRC. That was what Iraq preferred. When there was an agreement with the two sides to commence registration, Iraq would go to Geneva to agree on the arrangements as a comprehensive endeavour, and not a proportional one. He would undertake and pledge that Iraq would be ready to register all those who had not so far been registered with the accurate verification of the ICRC if both sides so agreed.

Mr. Picco asked if he understood correctly from what the Minister had said earlier that all remaining unregistered POW's meant the 24,000 from the list the Minister had carried to Geneva.

The Minister said no, he did not remember the figures and he could not give any figure now. There were Iranians registered and there were those that were not registered. The list of those he had taken to Geneva were not yet registered but he had not mentioned any figure. (At that point, his team, all offered assurances that he had not mentioned a figure).

After consultation with the Under-Secretary, the Minister said that if the Iranians wanted to release unilaterally the sick and wounded, he could not stop that; but to do so seriously one must still take it up with the ICRC which would also be the one to make the full list from those unregistered, and arrange the comprehensive release and exchange of all POW's.

Ambassador Al-Oaisi noted that the point Mr. Picco had been raising was that if Iran began with the release of the sick and wounded and Iraq responded, would Iraq begin with registration to which Iran would respond.

The Minister said his position was that one must move on all aspects of the subject. One must go to the ICRC and discuss it.

The Personal Representative then said he would be more than happy to enter into discussion of clarifications on para. 41. He thought it would be very helpful to have an exchange, perhaps the next day. He had noted the Minister's remarks on para. 6 and he supposed that if one treated the concept of the integrated whole nature of the resolution, then Iraq would envisage either an implementation plan which covered para. 6 or extra comments incorporating such views in what would hopefully be a document. He wondered if Iraq would be similarly willing to make such extra comments on paras. 7, 8.

The Minister agreed, and added that he had with him some notes about all those issues but he wanted to reiterate the comment he had made earlier that there were some answers or clarifications that would have to be made by the Iranians including those on para. 6. He had raised the questions about the relationship between para. 6 and good neighbourly relations, which was an issue between Iran and Iraq. He would like to hear its substantial reflection, and then he would be prepared to discuss matters relating to the UN with the Personal Representative. He then mentioned reconstruction, and a remark he had made earlier about para. 8 dealing with regional security. There were clarifications that would have to be made at some point.

The Personal Representative wanted to be absolutely clear on the crucial issue of the Shatt and sovereignty on the one hand, and the validity of the 1975 Accord on the other, and supposed such negotiations would fall under para.4. He also supposed that the suggested accord on good neighbourly relations would be taken up under the same paragraph.

The Minister noted that the whole resolution was a peace plan and, as the Personal Representative had said, it was a road map. At that stage, one needed to reach understandings about the important things that would have to be done. The way to divide the work would be a technical matter that could be agreed upon. As he had said during the first portion of the current visit, when two sides, with the participation and contribution of the UN, reached understandings and agreements about a basis, proposals, there would be a lot of work but it would be more of a technical nature. If he had to speak aloud about para. 4, he would say that could be settled in a very short time from the aspect of peace but work could take some time on the technical business.

The Personal Representative commented, "as in 1975".

The Minister replied, "yes". One should not think of para. 4 as a long drawn out process without agreement on the basis of principles. Otherwise it might be futile work which

might not end for years or even decades. The most important thing was to reach understandings and agreements between the two sides on the basic issues, then the technical work would follow.

The Personal Representative noted that since one was now facing key issues head on he wanted to say what had been mentioned the day before after the meeting on the Iranian side. When they had brought up the 1975 Accord, they had done so in connection with a discussion on good neighbourly relations, and not in connection with the Shatt and sovereignty. Actually the President, in his remarks on good neighbourly relations, had said that he considered there were criteria and a foundation for Iranian efforts for good neighbourly relations, and he had said that nothing in that regard was better than the 1975 Accord. He had cautioned very seriously that if anyone attempted to undermine that Treaty, in his view, that would undermine peace.

The Minister noted that Iran had undermined the 1975 Treaty 10 years ago.

The Personal Representative commented that he supposed Iraq still stood by its view that one could very much envisage a division between the issue of sovereignty and the issue of clearing.

The Minister confirmed Iraq had not changed its position. From the very beginning it had been made clear that Iraq's position was that the Shatt was an Iraqi waterway; but since both sides used that waterway in accordance with international conduct over the years of previous agreements on the question of sovereignty, it had been clear now that both sides would use the Shatt. Out of a practical attitude and good faith Iraq had wanted the Shatt to be cleared as soon as possible so that both sides could benefit. Actually, Iran's two ports on the Shatt were dead. Iraq's main port, Basrah, was half dead/half alive because there was a connection between that port and port Al Zubair. Fao was being revived and Iraq would see how it would be used as a port. Iraq had made a great decision when, without prejudice to its legal position, it had earlier agreed that the Shatt should be cleared, but Iran had not understood or reciprocated and Iraq had interpreted it as a sign of unwillingness to reach peace.

The Personal Representative said he had also interpreted it at that stage as a realization that one could achieve some concrete progress on the dredging of the Shatt without tackling a discussion about the final outcome of sovereignty. Iraq then, by that division into sovereignty and clearing, had hinted at the possibility.

The Minister added that fifteen months had passed and the time had come to discuss the main issues directly. In 1988, he had perhaps been overly optimistic.

The Personal Representative hoped the Minister was right but he might also be wrong. It was an important juncture.

The Minister noted that one had to face those things; and the time had come to do so.

The Under-Secretary added that because of Iran's refusal to dredge, the issue now had to be faced, and Ambassador Al-Qaisi commented that Iran had been the first to link the issue in 1979.

Mr. Picco then noted that the important comments that had been made needed further work, and he would hope that tomorrow one could discuss with frankness what luggage should be taken to Tehran. The Personal Representative warned of the danger of opening Pandora's box.

The Minister reiterated that Iraq had been encouraged by the Iranian statements about good neighbourly relations. Iraq had been ready to discuss all those issues from the beginning. The current visit was a good opportunity to face the main issues.

The Personal Representative referred to the message that had been sent by the President of Iran and to the fact that President Saddam Hussein had decided to respond, which could be taken as a good sign. He warned about medicine that might be too strong, however, and he spoke of the risk of a rupture.

The Minister noted that Iraq would like to see a government in command in Tehran because that would be needed for peace. What had been discussed was a major issue between Iran and Iraq and one should not hide the fact, to which Ambassador Al-Qaisi added that it had been so throughout history.

The Minister added that if Iran was not ready to tackle them that would not be a sign of statesmanship. It would mean they were not prepared to wage for peace. That would raise Iraq's doubts, which it did not want.

The Personal Representative mentioned that the Minister had agreed it was important that one translate one's view on good neighbourliness into the public domain through the media, and public pronouncements. He would convey that to the Iranian side. There had been mixed messages during his trip so far.

The meeting adjourned at 22:30 hours.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

Held in Baghdad
on Wednesday 8 November 1989, at 12:45 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conference Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister

The Personal Representative noted that he would have several comments on the six points that had been made in the previous day's meeting. However, he would like to begin with a few general remarks. As Iraq would be the first to know, basically the process moved according to the positions taken by the parties, and it did not move if constructive contributions were not made. He felt the United Nations role would be to provide formulas, suggestions, vehicles to bring about implementation of the resolution. That meant trying to build a structure of peace based on the resolution. He was working on the basis of the resolution; he stressed that the Secretary-General was fully committed to implementation

of that resolution. He also worked on the basis of the Charter and international law. What was being done was not only important for the work and the region but for the general trend of peaceful settlement of conflicts. He felt the current time was an important and even a critical juncture where one could enter a stage of substantive discussions and make progress on the issues that had to be faced. That was the best scenario, but there was also the risk that one could move into confrontation and risk the rupture of the process. Developments could take place which would become uncontrollable. That was a pessimistic view, but he felt it was his duty to be aware of the alternatives and act accordingly.

He then proceeded to give some comments on the six points that had been raised by the Minister the day before.

1) "We welcome the desire expressed by Iraq to establish good neighbourly relations with Iran, regardless of the type of government prevailing there, as the Iraqi Minister had said. We likewise welcome your statement that declarations of good neighbourliness and good intentions would increase in value if they were made publicly. This is of general significance in our view. Indeed, words have to be matched by deeds. This is a requirement for a politician, as has been said. However, perceptions are also important and in the case of solving a dispute such as the one with which we are now faced, the reciprocal perceptions of words and deeds have to be taken into account.

2) "We note that Iraq shares the view expressed by President Rafsanjani to the effect that concessions should not be sought by either side. It is however evident that the two sides differ drastically with regard to what their rights are. Accordingly, your statement on the Shatt-al-Arab will by the Iranians, judging from the earlier contacts and meetings we have had, most certainly be considered as a demand for a fundamental concession on their part and at variance with your stated desire for good neighbourly relations. This is based on our reading of their statements to you during the course of earlier conversations. The first reaction, furthermore, of the implications of the thinking in which Iraq sees the implementation of withdrawal raises questions as to the requirement which the Security Council formulated for the implementation of para. 1 of the resolution, namely, that it be implemented without delay. We have noted your emphasis on the key issue of the Shatt-al-Arab. We have noted also your recommitment to resolution 598 as a means to achieve peace in the region and the desire to take advantage of the assistance of the Secretary-General in this regard. We wish to reassure that as in the past we will continue to assist the parties and

to provide the necessary material so that the resolution can be fully and rapidly implemented. It is crucial at this stage that all our efforts be aimed at avoiding confrontation. It is the duty for all of us to present our positions and to try to understand the positions of the other side in such a way that the process will continue in the direction of peace and not exacerbate the existing no war-no peace situation.

3) "I would like to say that the comments we have received from both sides with regard to the resumption of the release and repatriation of the POW's gives us hope that some concrete development should take place shortly. We further welcome the intention of Iraq to register all POW's regardless of the numbers involved. This, of course, is the view shared generally by the UN. The Secretary-General stressed the view in Rome in July that the UN strongly underlined that conditions of reciprocity were inconsistent with the Geneva Convention.

4) "We note your substantive comments on para. 6 of the resolution. We stand ready to discuss, as you request, this and other features of the package being proposed by the Secretariat. Indeed, this, in our view, would fall within the context of the characterization of the resolution as an integrated whole as recalled in para. 41 of the Secretary-General's report to the Security Council last September. With the co-operation of both sides we will pursue our efforts as outlined in that paragraph.

5) "We understand that Iraq intends to seek the formalization of good neighbourly relations and that would be worked out in the course of the negotiations envisaged in para. 4 of the resolution. You are of course aware, and this also comes out of meetings in Tehran, that Iran had already indicated that in this regard it would wish to refer to the 1975 Treaty. We have also noted your concern on non-interference which was also touched upon in the first item of your presentation the day before. This concern, with a different emphasis (concrete content), of course is also shared by Iran.

6) "The position of the Secretary-General on the question of genuine direct talks, in other words what one could call a political meeting, is well known. We noted with satisfaction that you share the Secretary-General's wish that such a meeting should be well prepared and if possible be based on a concrete agenda. On this we will continue to work with the active co-operation of the parties so that when the Secretary-General calls for such a meeting, and I would hope it could take place soon, there would exist good prospects for fruitful, substantive results. Para. 41 of the report can of course be of help in this regard. Accordingly, we welcome your commitment to continue to work together with the Secretary-General to achieve the full implementation of the resolution."

With regard to the introduction that the Minister had given to the message from his President which was to be conveyed to the President of Iran, the Personal Representative made the following comments:

"In that introduction we noted with satisfaction your stated intention to avoid any action which might ignite the war along the boundary lines. This becomes of significance at a time when key issues will be raised, issues to which both Governments and their peoples are highly sensitive. The call for restraint at this stage, which you encouraged by saying this, is also a call for a high level of responsibility in any of the steps which are now being taken.

"We gratefully acknowledge your message from the President which we will transmit in the carefully worded way that was the result of the translation exercise of yesterday".

The Personal Representative then asked the Minister if he would care to make any further clarifications or additions and there ensued a short discussion about the plans for the continuation of the shuttle.

The Minister said he had no problems with the first portion of the Personal Representative's comments. Iraq fully understood the role of the UN and the Secretary-General, as well as his aims. Iraq had co-operated with the UN from the very beginning of the conflict. Iraq had declared its full desire and commitment to the Charter and to international law. Iraq had accepted the first resolution by the Security Council on 28 September 1980, and Iran had refused to comply with or accept it. He then outlined all the other resolutions Iraq had accepted and Iran had not.

Turning to the concerns the Personal Representative had mentioned, the Minister said that he had taken note of those worries but had to say frankly that Iraq was trying to reach peace with Iran on the basis of the resolution as a peace plan. The real issues had to be faced. He could not accept a process which would not lead to the final settlement of the conflict. He recalled the conditions that had existed in 1987 before the adoption of the resolution when Iraq's territory had been extremely threatened and its second largest city, Basrah, had been under heavy attack. He referred to the meeting he had had with the Secretary-General in Kuwait at that time in which the Secretary-General had told him that the Security Council was working for a resolution emphasizing the cease-fire without other elements. He had heard the same information from the Foreign Ministers of France and the USSR and had told all of them that Iraq would not accept a resolution that called only for a cease-fire. Iraq wanted a comprehensive resolution. Iraq had informed the members of the Council not to worry about Iraq; his Government would continue defending its country

until a comprehensive package was worked out. Iraq could not accept any formula which would not lead to the final comprehensive settlement of the conflict.

If the other side was not prepared to deal with the major issues which both sides regarded as important to them, that meant that Iran was not generally prepared for peace and good neighbourly relations. The time had come, after fifteen months of a cease-fire, after fifteen months of futile arguments, after the Iranians had established their leadership, to tackle the real issues. The Iranians had told the Personal Representative that they would like to have the 1975 Treaty as a basis for a settlement. That was a "bombshell" in Iraq. However, being a negotiator, his duty was to listen and to understand the position of the other side and to react in a clear and serious manner. He would not say he was going to leave the room or the mission because 1975 had been mentioned as the position of Iran. His duty was to listen, through the Personal Representative, to Iran's position.

The Personal Representative then said that the mention of the 1975 Treaty had not been in relation to the Shatt.

The Minister continued by saying that both parties had to listen to the position of the other whether the news was "sweet or bitter". It was up to the parties to decide their priorities and what was urgent for them.

Regarding the remarks just made on point 1, the Minister said he did not think there was any need for comment except to note that he felt that Iraq might be the most accurate watcher of what happened in Iran. Relations with Iran were a matter of destiny and Iraq detected every signal bad or good. When he said that there were still a number of signals from Iran that were not compatible with the desire for peace, that was because Iraq had detected such signals. The kind of discussions now going on could not be used for propaganda. The facts had to be stated as they were seen. The contribution of the Personal Representative in that regard was appreciated.

About the second comment, it was correct that the two parties looked at their rights from different angles. He knew that fact but in that respect he would like to listen to the exact Iranian response. Of course, the UN had the ability to assess the position of both parties, but in that process it would be helpful if both sides received the exact response of each other so that they could make correct assessments.

About the timing of withdrawal and its urgency, he had to be very frank. That was not the first time that issue had been discussed. He recalled the adoption of the resolution in July 1987. Iraq had gone to the General Assembly in New York that year to discuss the means and ways to implement the

resolution. The Personal Representative had just said the Security Council had a concept about the priorities in that resolution. In 1987, one of the Permanent Members of the Council (the Foreign Minister of the Soviet Union, December 1987) made a statement in the GA, proposing formulas for the implementation of the resolution which began with the cease-fire and the commencement of para. 6. The Soviet Union, one of the drafters of that resolution, had thought at that time that the above comprised a working formula. The President of Iran during the same period had suggested an informal cease-fire with the commencement of para. 6: no explosion happened in the Secretary-General's office. He had listened to him and reported that to the Security Council. In December 1987, he had been given a formula by the Secretary-General about steps to start the implementation: first the cease-fire; second, and concurrently, the commencement of implementation of para. 6 to be followed by other elements and most prominently, withdrawal. Thus, withdrawal had not been put immediately after the cease-fire. That told him that things could be relative according to the assessment of a situation. He was not setting a precedent in that respect. All major issues should be discussed and those of the same nature had to be put on an equal footing which was also in conformity with the principles of justice, the Charter and international law. Matters of sovereignty could not be divided. That principle was highly respected in international law and highly valid in the Charter.

Continuing, he said he thought Iraq had made it clear in the past, and it was Iraq's firm position, that it understood the duty of the Secretary-General of the UN. Iraq respected it and appreciated it. It was a fact that peace could not be made unless the parties in conflict agreed to make peace. There should be real genuine co-operation by both sides, and there was a role for the Secretary-General, for Iran and for Iraq. All should be combined in the direction of reaching a comprehensive peace for which the resolution was the plan.

Confrontation in negotiations was not strange; but wise people did not stick to confrontation. They tried to seek solutions. he did not worry when he confronted his Iranian counterpart or when he was likewise confronted at the negotiating table. Of course, he would be worried if one continued that confrontation without a desire to solve it. Iraq had shown genuine readiness to solve such confrontations through the best formula, which was direct negotiations. Iraq was luckier than others to have the UN in the person of the Secretary-General and his Representative. That was the best formula he could have.

Turning to point 3 on POW's, the Minister said he thought Iraq's position was clear. He knew that in the Geneva Convention reciprocity did not have a role. Iraq had fully complied with that Convention from the beginning of the conflict. In 1985, he had started to detect signals that the Iranians were not registering their POW's, and he had been informed by the ICRC that it had detected the same. He had pressed the ICRC to do something about it. At that time, Iran had been killing the POW's. Then there was a rupture between the ICRC and Iran. Between then and 1987 Iraq had not heard anything about the situation of its POW's in Iran. There had been no visits or registration or anything else. Then Iran had invited the ICRC to return on a gradual basis and it now had two officials in the country. However, there were more than 70,000 POW's in Iran. How could they be covered by two officials. When resorting to reciprocity, he had done so to protect his own citizens. Iraq was now ready to register its POW's, if Iran was ready. He could not give the names of all those Iranians if they would not do likewise. They were not doing so because they wanted to use the question as a matter for bargaining. After twelve or thirteen months of Iranian delay in a very sensitive humanitarian issue, the Security Council finally had spoken. The President of the Council had summoned Iraq's representative as well as the Iranian representative and had told them that the Security Council was not satisfied with the current situation and steps would have to be taken. Ambassador Al-Qaisi added that the Council had only done so in light of Para. 40 of the Secretary-General's report and had done so in informal consultations, not in public and not in a resolution. The Minister added that one should not have double standards in dealing with the urgency of the situation.

Turning to point 4 of the comments, the Minister said he had raised questions the day before for which he needed answers from the Iranian side. There were other questions that could be raised with the UN, but they were not urgent. First, he would like to listen to the Iranian answers to his questions. He wondered where that paragraph of the resolution would be handled; the Personal Representative had mentioned para. 41 of the report. He had spoken at length about the philosophy behind that paragraph but there was also a philosophy behind the 8 August letter of the SG. He hoped when one took into consideration the philosophy of para. 41, the letter would not be forgotten.

Regarding comment 5, he had said the day before that the Iranian side had spoken about good neighbourly relations. That would have to be organized in a treaty based on principles of the UN and the Charter regarding good neighbourliness and non-interference. The Iranians were referring to a dead Agreement (1975). "We were alive. The Iraqis and the Iranians were alive. Live people could reach agreement that could live for the future."

He did not have to comment on point 6 because the Personal Representative had been giving him an assurance and he knew the Secretary-General was genuine about direct talks, political meetings. He knew the UN was making a great effort but, he would say, not enough! Publicly the Iranians always said that whatever the Secretary-General advised, they complied. Why did they not comply when the Secretary-General asked them about direct talks.

Mr. Picco interjected here that the Iranians were now saying that they had agreed to "almost" everything.

The Minister said the holding of direct talks was not an Iraqi demand. What gain could he have through direct talks that he could not have with other means. When he had proposed direct talks he had done so because Iraq was logical. One had to accept to sit at the negotiating table. Iran was being illogical in its refusal. They had accepted the cease-fire when Iraq was still in its territory, and had not insisted on a concurrent withdrawal. Mr. Rafsanjani had said he realized the continuation of the war was not in the interest of the region. That was wisdom but it had come too late. He wondered who would lose by direct talks: no one. Who would gain, he asked: both.

The Personal Representative thanked the Minister for his comments and said that was the type of dialogue he appreciated. It contributed clarifications and explained the motivations behind the positions that had been taken. It would help understanding and the continuation of the work on the other side. In the beginning of his statement he had spoken about where they were going in general terms. He had intended to say, and the Minister had remarked upon it later, that the UN only had a limited possibility of influencing the real developments. The key political decisions had to be taken by Iraq and Iran. The UN could help with formulas. In the end, it was question of political will and that was where the parties would have to take over.

He hoped that they were now moving into a real discussion on the substance. If that was correct, then what had been transpiring both in Tehran and in Baghdad was good. Some very important matters had been put on the table. When he had spoken about the possible negative risk, it had just been to let the Minister know that he felt that everyone had to ask oneself whether it was the right step to take. Of course, he would build on the positive. He would make that point very strongly in Iran if there were indications to the contrary.

As to the more concrete remarks on the first point, he had noted the positive comments and was grateful. On the second, he understood that Iraq was mainly interested in the Iranian response. When he had spoken about the implications

of timing of withdrawal, the Minister had made some remarks which had dealt with the earlier history of the diplomatic effort. He would inform the Secretary-General who might wish to revert to it.

Mr. Picco added that he wished to comment on the Minister's historical review. The Minister had rightly referred to an important meeting between him and the Secretary General in Kuwait on, he believed, 27 January. As the Minister would recall, on 13 January the Secretary-General had made a public suggestion to the Security Council with regard to the war. What was less known and what the Secretary-General had mentioned in Kuwait was a meeting with the Secretary-General a few days after the 13th which was an unprecedented one attended by the 15 members of the Security Council. To his knowledge, that had never been repeated. On that occasion, the Secretary-General had read out to the 15 a paper containing points with the various elements which the Security Council could use for the composition of a resolution. Those elements included a number of components among which withdrawal had been very clearly present. The intention then was to have a comprehensive resolution. In fact he had mentioned at that meeting that the international community was to prepare its own peace plan.

The Minister said the Foreign Minister of France had told him about the Secretary-General's important initiative and press conference which had been a turning point in UN efforts in that regard. The Secretary-General had suggested a number of components and it had then been for the Security Council to decide. The five had been discussing in late January-early February an immediate resolution for a cease-fire, perhaps to be followed later by other arrangements. Iraq had stopped that process.

The Personal Representative recalled Iran's similar concern about the resolution of October 1980 which had lacked a withdrawal element.

The Minister agreed, but said Iran had contradicted itself which Iraq had never done. Iraq had been consistent in its actions and had accepted the resolution even after it had won the war.

The Personal Representative referred to point 2 and said he had noted the positive words on working with the Secretary-General and his Representative. He had taken positive note of what had been said about the POW's. On point 4, he had noted it with positive interest and he had understood that similar to point 3, the Minister would like to listen to Iran's views. He wanted to assure the Minister that the 8 August letter was very much part of the basis for the continued work and it had been mentioned in para.41. On the 5th point, he had taken note of what had been said and had noted also the

way it had been phrased, On the 6th point, the Minister knew where the UN stood. He would recall the very active efforts of the Secretary-General at the April meeting. The conviction of the Secretary-General remained the same. They were now all in the process of preparing themselves for a successful meeting. When the time was ripe, the Secretary-General would take that decision. He hoped with the current trip, that would come soon.

A conversation then took place about the course of the shuttle. The Minister asked that the substance of his comments be conveyed to the Iranians and added that the six points could be read out to them. "The more comprehensive the presentation, the better."

The meeting concluded at 14:20 hours.

* * *

After the meeting on 8 November, the Personal Representative had a tête-à-tête conversation with Foreign Minister Tariq Aziz, and told him how important it was to preserve the process at that juncture. He stressed the need to make constructive contributions on key issues and to send positive signals to the other side.

Mr. Aziz stated that it was important then to deal directly with even the more difficult issues. He therefore wanted the Personal Representative to convey the points he had made the night before in detail to the Iranian side. The Personal Representative said he would consider that but repeated his concern that there was a risk of hurting the process considerably, even to the point of causing a rupture. He knew that Iraq wished its message to be the beginning of working out a package solution but his task was certainly not easy, the Personal Representative told Aziz.

On other matters, Aziz stated that Iraq would possibly consider actions on the POW issue. He also reacted positively to suggestions that as a first step in the reconstruction, an economic expert or a team of experts could visit New York and talk with representatives of relevant agencies. On demobilization, the Iraqi plans were to be followed and to be announced. He wished that Iran would do likewise. He admitted that there was a need to calm things down in the press and in public pronouncements. He referred to President Saddam Hussain's statement the night before, where the Iraqi desire for peace with Iran had been stressed.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE DEPUTY MINISTER OF IRAN

Held in Tehran
on Thursday 9 November 1989, at 12:00 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Mottaki
Deputy Minister for International
Affairs
H.E. Mr. Sirous Nasser
Permanent Representative of Iran
to the United Nations in
Geneva
H.E. Mr. Javad Zarif
Deputy Permanent Representative
to the United Nations
Mr. Mir Mahdi
Deputy Minister, Lega, Consular,
Parliamentary Affairs
Mr. Hossein Taremi
Coordinator, 598 Secretariat
One aide

The Personal Representative began by outlining his meetings in Baghdad where the Iranian views had been presented as well as President Rafsanjani's message. The Iraqis had then asked for a second meeting so that they could be absolutely certain they had understood all the points. In the current meeting he would like to concentrate on what the Iraqis had said. He would not go through every element that the UN side had presented. The message from President Rafsanjani had been favourably received. He had also related his understandings of the meetings he had had both with the President and with Foreign Minister Velayati, as well as with the Deputy Minister. He had received a verbal message through Foreign Minister Tariq Aziz from President Saddam Hussein to President Rafsanjani. He thought it was interesting to note that the Iraqis this time had accepted to be engaged in a discussion of some substantive issues and concrete elements of the resolution. Of course, the UN had put that into the framework of the resolution and para.41 of the report to which there had been no objection from Iraq.

The Deputy Minister asked whether Iraq had agreed with or rejected that comment.

The Personal Representative said the Iraqis had not formally accepted that view but had agreed with his conclusion to continue working on that basis. As would be seen from the detailed account he had brought back from Iraq, it was evident that the Iraqis had chosen to directly address what they considered to be the key issues of the resolution and the peace process. He would not express any value judgements on the Iraqi position; however, he did wish the Deputy Minister to know that from the UN side there had been very detailed comments over two consecutive meetings.

In the course of the current work he had kept the Secretary-General fully informed about what had transpired in the different meetings. He had also reported to him the contents of the Iraqi message. He knew the Secretary-General would be awaiting the report of the second round of meetings in Tehran. The Personal Representative said that it was his conviction that in the current work the UN's role was key and crucial, and resolution 598 was the centerpiece. On that point there had also been agreement on the Iraqi side.

He then read out the message that had been communicated to him from President Saddam Hussain for President Rafsanjani; that message had been read out to him by the Foreign Minister in Arabic and it had been interpreted into English.

"President Saddam Hussain has received with satisfaction the message from President Rafsanjani. He wished to convey to him through the Personal Representative, the fact that Iraq wanted to have peace with Iran. Iraq wanted peace with the present existing government in Iran. We have no desire to keep even one inch of Iranian territory because we affirm our determination not to permit Iran to keep even one inch of its territory. He who respected his own rights has to respect the rights of others. Because we respect our own rights and insist on them, we respect the rights of Iran and will not infringe upon them. We have the desire to establish good neighbourly relations with Iran and relations based on non-interference in internal affairs. Such a relationship would open the way for a fruitful co-operation to be established not only in the interest of the two countries but also in the interest of the security and prosperity of the region as a whole".

The Deputy Minister indicated that the Foreign Minister who had only just returned from a trip to Algiers, would bring that message to the attention of the President as soon as possible.

The Personal Representative then said that he wanted Iran to know that what he would now read had been given very careful consideration. He would in large part be reading out the verbatim record from the meeting with Foreign Minister Tariq Aziz; it was his impression that had been the Iraqi desire. He also thought it was in Iran's interest to fully know the remarks, and also because it was the response to its President's message as well as to the summary of the meetings the Personal Representative had had in Iran.

In his meetings with Iraq substantive comments had been requested on implementation of the resolution, particularly as it related to para. 41 of the report. What he would be reading was the comments that had been made at the meeting the previous Tuesday, 7 November at 17:30 hours with the Foreign Minister.

Mr. Picco clarified that the meeting had followed the one in which the UN had presented the views from Iran which had been given, as a consequence, a long study and reflection by the Iraqi side. Their analysis had led them to ask for more time to consult with highest authority to consider their response. They had been requested to focus on substantive issues of the resolution.

The Personal Representative of the Secretary-General then proceeded to read as follows:

1. "We are pleased with the assurances expressed by the Iranian side about their desire to establish relations of good neighbourliness with Iraq. This has been the desire of Iraq throughout. It has been a desire declared and reiterated time and again to our people and to the world at large. During the time of difficulty experienced by Iran, as for instance was the case when Imam Khomeiny died, we never exploited any opportunity to pressure or influence the Iranian government because our objective has always been the establishment of good neighbourly relations with Iran regardless of the type of government prevailing there. The only interest we have in the type of government there has to do with its position on war and peace. What is important, in our view, is that the Iranian officials stress the relationship of good neighbourliness only in closed meetings with the United Nations envoy. These assurances should come out into the open and become declared and firm policy. The declared Iranian attitude or position in this regard has not changed. They still maintain dealings with their stooges whom they call the Iraqi opposition. We, as people involved in politics, as is the case with the Iranians, tend to compare deeds with actions. Words can never acquire significance unless they are in harmony or correspondence to deeds. If we want to create a climate of peace in the region, then the statements of both sides should highlight the necessity for peaceful co-existence between neighbouring peoples and also highlight the significance of avoiding wars or

the threat or use of force. There should be an affirmation that the usurpation of the rights of others is not permissible, an affirmation that to achieve illegitimate gains as a result of the use of force or the threat of the use of force, is not permissible not only now but also in all times and in all places.

2. "President Rafsanjani stressed that Iran did not seek concessions from Iraq nor is Iran prepared to give any concessions. We agree on this fully.

"If the Iranian side wants Iraq to respect its sovereignty, then the Iranian side should respect our sovereignty. The Iranian side stresses the question of terminating the Iraqi presence on small pieces of Iranian territory on which the Iraqi forces were present during the implementation of the cease-fire. The Iranians, however, ignore the fact that the Shatt-al-Arab is an Iraqi river and that circumstances following the cease-fire have in fact prevented us from exercising our full rights of sovereignty over this region as the circumstances have in fact prevented Iran from exercising its right of sovereignty over small patches of Iranian territory. It is imperative therefore, that the urgent interests of both sides have to be taken into consideration. The failure to recognize the Iraqi sovereignty over the Shatt means the achievement of gains at the expense of Iraq.

3. "On the POW's the position which the Iranians adopt deals with this subject on a number for number basis. This means that they still have a desire to blackmail, and it is contrary to the principles they mentioned. The question of the POW's should not be linked to the political negotiations. It is a humanitarian question affecting Iraqis and Iranians and it is a question that is arranged by a special agreement, which is the Geneva Convention of 1949. It is therefore a question which should be resolved according to the Convention and under the auspices of the ICRC. Registration means all unregistered POW's should be registered and not merely equal numbers on both sides. Release and exchange means the release and exchange of all and the steps taken towards this objective must proceed on the basis of proportionality. Iraq remains committed to a comprehensive approach to POW's.

4. "The Iranian side spoke of its desire to establish relations of good neighbourliness with Iraq and also spoke of future co-operation. We welcome that. There is now para. 6 of the resolution. We believe strongly that it was the Iranians who committed aggression against us. The Iranians say the opposite. How do we address this contradiction in the

positions adopted by the two sides especially when we speak about relations of good neighbourliness and future co-operation. In this regard there are questions that may be put now or later to you at the Secretariat, questions relating to certain details about para. 6. Clarity on this subject is essential and fundamental. This would make clear for us the features of the package now being proposed by the Secretariat on the one hand and so that the relationship between this and the aspect of the good neighbourliness, future relations and the avoidance of renewal of hostilities on the other hand should be clear.

5. "Good neighbourliness should be regulated by a treaty based on the principles of the UN regarding good neighbourly relations and non-interference in the internal affairs of others.

6. The Iranian position on the 8 August agreement and on direct talks is contrary to the way they speak about good neighbourly relations. How could they reject to sit together with those with whom they want to establish relations of good neighbourliness. This is a contradiction. We have always said that the rejection of direct talks conducted under the auspices of the Secretary-General means the absence of desire for peace. The delay of the direct talks for the past fifteen months means a delay in the process of peace. Direct talks do not cause a delay in the process of peace. The contrary is true. What would have happened had we sat face to face from the very beginning as of August 1988 and continued direct, deep, genuine and frank talks. In my estimate the results would have been better than the present situation.

"There were fundamental issues for both sides. Each side when it put forward what it says was fundamental and urgent should not forget what the other side might see as fundamental and urgent and this is a matter that calls for serious consideration and candid answers, so that one could really achieve implementation of the resolution as a peace plan and establish relations of good neighbourliness. This requires direct talks to be conducted without excluding direct talks at all levels. At the current stage one must avoid any action that might ignite the fire along the boundary lines."

The Personal Representative, giving his own remarks, said the meeting in which the above had been presented had been followed by two separate meetings where there had been detailed discussions; comments and clarifications were made from the UN side. He wanted to make it perfectly clear that he had very strongly underlined the commitment to the resolution. He had made it absolutely clear that para. 41 of the report would continue to be the basis for

the work. He had very strongly underlined the need to implement certain aspects of the resolution such as withdrawal without delay. He also had reminded the Iraqi side of the very strong and clear statement made by President Rafsanjani on the 1975 Treaty. In that discussion some points had come up from the Iraqi side which might be of interest.

To paraphrase, Iraq had said it was encouraged by President Rafsanjani's assurances of the political will for good neighbourly relations. If the Iranians were ready to discuss business, Iraq would be ready. It was correct that the parties saw their rights from different angles. The Iranian position that it wanted a settlement on the basis of the 1975 Agreement was very difficult for Iraq to accept. However, both parties had to prepare themselves to listen to the positions of the other side. In fact, by bringing the Shatt issue up in that way, a very crucial and difficult element had been introduced and Iraq had said that when the Iranian side had come out with the statement about the 1975 treaty after the meeting with President Rafsanjani Iraq had not "gone up to the roof". There had not been an "explosion" even though the matter was of great significance to Iraq, so they said. The Minister had added that "if he listened to Iranian views they must listen to ours".

The Foreign Minister had noted with interest Iran's preparedness to resume the release and repatriation of sick and wounded POW's. It had been clear Iraq would reciprocate. Iraq was furthermore prepared to register all POW's when Iran was ready to do likewise. Matters should be arranged by the ICRC, Iraq had said. Registration should take place without any consideration of numbers.

On the UN role, Iraq wanted to implement resolution 598 in full and wanted to co-operate with the Secretary-General. It had been said that everyone (Iran, Iraq, the Secretary-General, the Personal Representative, the Secretariat) had a role and 598 was the peace plan.

The Deputy Minister thanked the Personal Representative for his comments of which he had taken careful note and the meeting was adjourned at 13:15 hours for a luncheon, with a meeting with the Foreign Minister scheduled for 15:00 hours that afternoon.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyans
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAN

(held at the Iran Institute for Political and International
Studies, on 9 November 1989, at 15.30 hrs)

In Attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Ali Akbar Velayati
Foreign Minister of Iran
H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
H.E. Mr. Sirous Nasser
Permanent Representative of Iran
to the United Nations in Geneva
H.E. Mr. Javad Zarif
Deputy Permanent Representative
of Iran to the United Nations in
New York
Mr. Mir Madhi
Ministry of Foreign Affairs
and two Aides

The Personal Representative referred to that morning's meeting with the Deputy Minister in which he had transmitted the message from President Saddam Hussain to President Rafsanjani. He had also transmitted through Mr. Mottaki some substantive comments made by the Iraqi side as a response to what he had told them of his visit to Tehran and also as a response to his request that they give substantive comments as to how to implement the resolution. He had put particular emphasis on paragraph 41 of the report. He had actually made three or four references during meetings to that paragraph and also had stated that it would be the basis for the continuation of the work to which there had been no objections raised.

As the Minister would have been briefed, the Iraqis had chosen to present their views of what they had considered the key issues and had decided to do it "head on" and, as they had said, "not beat around the bush". He hoped that was an indication of the Iraqi side's willingness to enter a discussion of substance and he also hoped it indicated a willingness to work on the basis of paragraph 41 and the resolution.

He then outlined for the Minister the meetings that had been held in Baghdad. The well-known UN positions had been stated by him and he had also made very clear remarks on the key elements where he had pointed out the divergent views on issues such as the 1975 treaty and the Shatt. He had also pointed out the need to implement certain provisions, without delay. If that was the beginning of a discussion of substantive elements it would be a positive note.

When he had made reference to the fact that certain ideas were being brought into the discussion such as those pertaining to paragraph 4, they had pointed out that they were subjects that had already been discussed.

There had been some discussion of where Iran could take a positive first step; i.e., a release of sick and wounded prisoners. If Iran were to do so, he thought the Iraqis would do likewise and he hoped that could be done during the course of his visit or very soon thereafter.

He reviewed the Iraqi position on registration and the Minister asked what the Iraqi position was with regard to balance. The Personal Representative replied that it should not be based on numbers but that all those who were unregistered should be registered.

Mr. Picco thought that meant that as Iraq and Iran had a number of persons who had never been registered, one thing that could be done would be for Iraq to undertake to inform the ICRC of all the names that had not been communicated to Iran, it being understood that Iran would do the same until all were registered and notified.

Ambassador Nasser thought there would be a problem because on the one hand Iraq was insisting on no numbers but in particular areas it seriously insisted on numbers and formulas created by them. He wondered if there had been any discussion of that.

The Personal Representative said Iraq had brought up the concept of proportionality mainly in the context of release and repatriation.

The Minister asked how one could achieve that goal. Both sides could say that they were ready but how could both sides go about repatriating more than 100,000 POW's. Practically, one should go step by step.

The Personal Representative noted that if one started with a release of sick and wounded prisoners it would be very well taken if Iran could release as many as possible; he was fairly certain the Iraqis would follow suit. Then the process could continue much as had been planned last November, with perhaps an update to that agreement.

Ambassador Nasser indicated that even the ICRC believed that poor work had been done in preparing for that understanding, and it was looking for another way to proceed. It was in that agreement that Iraq had insisted on numbers; that was a serious inconsistency in Iraq's position.

Mr. Picco said that on the more general aspect of numbers and reciprocity the UN had made it very clear that it believed that in such matters numerical considerations should not apply. It had been underlined that reciprocity as a concept was not to be found in the Convention; Tariq Aziz had acknowledged that. The UN side had been encouraged by Iran's comment on the sick and wounded because he understood that Iran had already identified all the sick and wounded it was holding. He was confident that if a release took place the Iraqis would do the same. He had to agree that there was inconsistency if there was talk of no numbers on one side and proportionality on the other. One way to go beyond that would be to take the lead with the sick and wounded. He then commented that he understood Iran had been referring to all the sick and wounded still in Iran.

The Personal Representative added that the Iraqis had made a commitment to register all the unregistered POW's if Iran would do the same.

The Minister then began the more formal part of his comments, after thanking the Personal Representative and his colleagues for engaging in the shuttle "in order to transmit the views of one side to the other". In fact, that was an indication of the sincerity and serious readiness of the Secretary-General, the Personal Representative and his colleagues to resolve the problem. Based on what his colleagues had presented to him and what had been just mentioned it seemed, now that the Iraqis had discussed substance, that they had no intention of going along with the resolution. From what had been reported of the Personal Representative's impressions and the quotations that had been made, it was clear that Iraq was trying to make the withdrawal from the territory it occupied conditional on acceptance by Iran and the UN to undermine or violate the 1975 Treaty. Iraq had said it controlled a part of Iranian territory and the Iranians controlled the Shatt which was an Iraqi river. The question of sovereignty over the river was not mentioned in any part of the resolution while withdrawal to the internationally recognized boundaries as an order of the Security Council without delay, was in the resolution. Was it the duty and the responsibility of the UN to strike a deal between Iran and Iraq, or was it rather their duty to implement the resolution. What the Iraqis had been saying had nothing to do with the implementation of the resolution. In fact they were saying that Iraq controlled part of Iranian territory, and on the other side Iran had not accepted Iraqi sovereignty over the entire Shatt. Thus, Iraq felt it had to sit down in direct talks at different levels and strike a deal so that Iraq would return the Iranian territory and Iran would decide to disregard its rights to half of the river. That was in fact what they were saying. That was certainly not the implementation of the resolution.

He believed that considering the very important and crucial task that lay ahead after having shuttled twice and spoken twice with the two sides, the Personal Representative must perform his duty not simply and merely in terms of informing the two sides of the views of the other but of really seeing to it that the UN perform its task of seeing that the resolution was implemented and of finding the way to do so. The UN must not allow either Iran or Iraq to go outside the framework of the resolution. Anytime the UN felt either side was going outside the resolution it must stop it and prevent the discussion from going forward.

The Personal Representative was now saying that the two parties had spoken in substance and had given their comments and views. It was Iran's question that as it had accepted clearly the agenda in paragraph 41 of the report, had Iraq accepted it in the same manner.

If it had been accepted, then the UN could design the timetable for implementation of those elements mentioned in that paragraph of the report. It could get the acceptance of both parties and actually start the implementation. On the other hand, if it had not been accepted, and the UN believed that paragraph 41 was beginning to have the same fate as the four-point plan of 1 October, then the UN must think of something to address the ambiguous response and the many-sided approach of Iraq which had resulted in crippling the process of implementation. In those circumstances when Iraq said that it wanted to sit together to reach understandings, didn't the Personal Representative think that accepting that proposition would be rather naive?

He was confident that deep down the Personal Representative knew what the Iraqis were saying and what they wanted. In fact, who could accept that "childish argument" that if the Foreign Ministers of Iran and Iraq would sit together for a private discussion of a few hours they would be able to resolve those issues. It was nothing but an attempt to dilute the role of the UN and undermine the resolution. That was his conviction. Did the Personal Representative really think there was no contradiction between what Iraq had said the first time and the second. In the first round they had said they had no ambition on Iranian territory. Now they were saying that "we control a part of Iranian territory and we can return it in exchange for Iran's abandoning its rights over the Shatt".

The Personal Representative noted that what the Minister had just said was no surprise. When the Secretary-General had decided to send him to the region it was with the dual purpose of trying to find out as much as possible about the positions of the two sides on as authoritative a level as possible and then, in the tradition of his work, as fairly and thoroughly as possible to transmit that to the other side. The second part had been to try to find ways to bring about movement. He thought, speaking on his own and his colleagues' behalf, that it was fair to say there had

been considerable efforts to bring about the implementation. The Secretariat had been providing a number of formulas to bring about the beginning of implementation. It had devised implementation plans, the 1 October presentation, and many subsequent discussions had been held, and there was now paragraph 41 of the report which, in his view, was the diplomatic instrument, which in consultation with the Secretary-General and the parties, would continue to be used. It contained references to the resolution, the 8 August letter, the 1 October presentation and subsequent discussions. It contained the idea that the resolution should be treated as an integrated whole. There was also a part of that paragraph devoted to the need to bring about specific progress on aspects of the resolutions which should be implemented without delay.

He knew what had been said by the Iraqi side. On the basis of the discussions on the second leg of his trip he would then see how one could continue to proceed. He thought it was fair to say that paragraph 41 would be the basis for the effort and he still thought it could be used.

He noted what the Minister had said about withdrawal and the Shatt. The only additional information he could provide was it seemed the Iraqis were most interested in receiving Iran's views and reactions on the question of the Shatt and the 1975 treaty as well as the matter of paragraph 6. When he had tried to press Iraq on the Shatt and about paragraph 6, Iraq had consistently said that first it had to hear what Iran would say on those topics. They had talked about paragraph 6 as a matter which should be taken into account in "our proposed package" without explaining to what that referred. It could be a reference, and he was speculating, to the integrated whole approach in paragraph 41 in which case Iraq would be referring to the possibility that paragraph 6 indirectly could be mentioned in some way in the integrated whole approach.

As to the Minister's reference to the making of deals, he assured him the UN was not in that business; what it was trying to do was bring about implementation. The type of discussion that had ensued, he thought, was because the 1 October presentation had four elements which could be seen as a package. That could be given a more positive interpretation, namely, that all wanted the beginning of implementation with elements that had been considered to be fair.

He would be in touch with the Secretary-General throughout the course of the visit. Whatever the outcome, it would of course be reported to the Secretary-General who was committed to report to the Security Council. He had been provided with substantive information during the trip, to a suprisingly detailed degree. That would be transmitted to the Security Council in an appropriate form. He hoped that what one could achieve would be progress on acceptance of paragraph 41 as the framework. He could not give Iraq's ironclad acceptance of that but as he had indicated earlier, it had not been rejected when he had said that he would be working on that basis.

He might try to see if more could be done on the acceptance of paragraph 41. It seemed to him that there were now greater opportunities to bring about a concrete result on the basis of working on paragraph 41 than on any other formula.

As to the direct meetings, the Secretary-General's view was that such a meeting could not be an end in itself and it would have to be well prepared. His conclusion was that if there were to be progress on the framework, namely on paragraph 41, then he would see paragraph 41 as being a very obvious agenda for a meeting with perhaps another format. That would in no way mean the abandonment of already existing patterns of meetings. For the Secretary-General, it would be a question of knowing whether a meeting would be useful and he would like to tie that to substance.

Mr. Picco then referred to 1987 when the resolution had been adopted and to the Secretary-General's visit to Tehran a month or so later. On that occasion, the Secretary-General had read out what later became known as the outline implementation plan. A month later he had elaborated on that plan and in August of the same year, he had written a lengthy presentation of that plan which had been another attempt to see how to implement the resolution. Mr. Picco then referred to the July and August 1988 work. Of the texts the Secretary-General had suggested none had been mandated by the Security Council. On the contrary, it had been the other way around. Once the text had been presented to the parties the Secretary-General had informed the Council and in most cases support had followed. From an institutional point of view that was quite an anomaly because it was the first time the Secretary-General had put in writing an interpretation of a resolution of the Council. Another anomaly was that in one of the subsequent resolutions the paper on the implementation plan, which had not existed in any form as an official document, had been referred to in a resolution in 1988. That was quite an achievement. Mr. Picco said he had given that example to show that one could hardly combine such an approach with one of being "a mailman". The UN did not want that role. It was not here to transmit messages from one side to the other. The UN had a record of a much more substantive role in the implementation of the resolution. He thought if there was in the Minister's initial comments on the visit to Baghdad some concern or anxiety about how the UN was going to play its role in the future, he would just want to assure that the UN did not have a record at passivity or lack of imagination. It was quite aware of its role.

The Personal Representative then referred to the very detailed comments he had made before lunch, and said he would welcome another opportunity for discussion before his return to Baghdad.

The Minister said Iran had accepted the four-point plan, and the Iraqis had not. For more than one year there had been

bargaining on the four-point plan without even Iraq having accepted it. Exactly the same was happening to paragraph 41. He had indicated that Iran had accepted paragraph 41, and he would say so again. Iraq had not done so. With regard to the four-point presentation, Iraq had neither accepted nor declined to accept it but had always reserved the right to either reject or deny rejecting a certain proposal. He wondered what had been the result of their not rejecting it. It seemed that they wanted to prevent an imposition of international pressure from diplomatic circles and public opinion that would ensue if they rejected outright the diplomacy of the Secretary-General. Had they commented or accepted any part of paragraph 41? What had been their comments on those elements that were mentioned in paragraph 41 for which the resolution required urgent implementation?

Another issue he wanted the Personal Representative to pay particular attention to was that one should wonder whether, from the starting point of accepting the resolution as an integrated whole and the integrated whole nature of the resolution, the Iraqis wanted to lead the discussion into a comprehensive package they had been referring to throughout the discussions.

With regard to paragraph 6, Iran should not be the party to respond. It was a job for the Secretary-General. Iran had accepted the UN plan for implementation of that paragraph, because the task was mandated to the Secretary-General to create an impartial body to look into that question. Once the body was formed, one could present evidence to the body and leave the judgement to it. He reiterated the Secretary-General's responsibility for that paragraph and said that Iran in the past had not tried to exert pressure about it by asking what had been done. Iran should not be asked, "what do we mean by paragraph 6".

The Personal Representative referred to the Minister's comparison of the four-point presentation with paragraph 41 of the report and his hope that it would not suffer the same fate as the four-points. He too hoped that would not be the case for several reasons. The basic problem was the lack of a link to the integrated approach and that Iraq could make the claim that one could not be sure if the rest of the resolution would be implemented. He had made the argument that it was obvious that implementation was a road to peace. He had also tried to take that into account, encouraged by some voices by the Security Council, who had reminded that the integrated whole concept had come from the Security Council in the beginning.

From his discussions with the Security Council members before his trip he had received a very strong impression that the concept that had been presented to them in the report of the Secretary-General was in their view a good and solid one. The blessing of the Council he had received before the trip was a reflection of their appreciation of that report. He would hope the forecast was somewhat more positive than the one the Minister had made about the 1 October elements. There had been a very

clear reference to paragraph 41 in Baghdad and he had insisted that it be the format for the continued discussion to which there had been no objection.

Iraq might want to lead the discussion into a comprehensive package but he would like to assure that he had repeated to Tariq Aziz that he, the Personal Representative, had told the Minister in Iran of the Foreign Minister of Iraq's comment that one could easily come to political understandings and that the example that had been used had been the Agreement of 1975. He had confirmed that with political will one could quickly reach political understandings. When there had been discussions about good-neighbourly relations and paragraph 4 he also had thought that could be conveyed rather rapidly.

The Personal Representative then suggested that if one was to work in more concrete detail on the integrated whole, one could collect the texts that had already been made on the implementation plan on paragraph 6, 7 and 8 and put them on the table so that the implementation plan would receive the kind of recognition and acceptance that would have been useful right from the beginning. The Minister was correct when he said that paragraph 6 and 7 was very much in the hands of the Secretary-General.

Regarding the survey team to look into reconstruction, he said he had noted the hesitancy with which that idea had been received. However, the offer still stood and what might also be considered was a more modest alternative of Iran and Iraq sending to New York economic experts to discuss with Secretariat officials as well as representatives from the agencies reconstruction needs; then at least a start would have been made on that matter for which the Secretary-General had direct responsibility. The Minister undertook to discuss that at a later meeting.

The meeting ended at 17.00 hrs.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyans
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF THE ISLAMIC REPUBLIC
OF IRAN

(held in Tehran on 11 November 1989, at 14.00 hrs)

In Attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Ali Akbar Velayati
Foreign Minister of Iran
H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
Mr. Mir Mahdi
Deputy Minister, Legal, Consular,
Parliamentary Affairs
Mr. Maleki
Deputy Minister, Research and
Training
Mr. Morteza Sarmadi
Deputy Minister, Public Relations
H.E. Mr. Sirous Nasser
Permanent Representative of Iran
to the United Nations in Geneva
H.E. Mr. Javad Zarif
Deputy Permanent Representative of
Iran to the United Nations in New
York
Mr. Hossein Taremi
Coordinator, 598 Secretariat

The Foreign Minister expressed his thanks for efforts that had been made during the trip, and he hoped that they would have results. It was possible, however, that those efforts had not had the necessary effect on the other party. It was important that they had continued nevertheless, and that was a cause for gratitude on the part of his Government. What had been reported about the visits to the President and Foreign Minister of Iraq had been reviewed in detail, and President Rafsanjani had also been informed.

The message from Saddam Hussein to his President had contained generalities but still could have been assessed

positively. However, the comments that had been presented, together with the message, might indicate a very serious situation and a cause for concern. (Iran certainly hoped, in the interest of peace that was not the case.) Iran's commitment to reach peace was firm and real. The way to do so had already been determined. The only way to achieve peace rapidly was the implementation of the resolution unconditionally. The only way to guarantee that neither side would gain concessions nor would give concessions was the unconditional implementation of the resolution. With the implementation of the resolution, the two countries could bring an end to the current situation by the establishment of peace which in turn would bring about good neighbourly relations and co-operation between the two countries. In order to clarify, although he was certain it was already clear, he wished to present some explanations which should be reported to the Secretary-General. The Minister then read from a prepared note:

1) "Before the establishment of the cease-fire, we declared our readiness to implement the resolution completely and accepted the timetable presented by the Secretary-General for the implementation of the resolution. At that stage Iraq did not accept the timetable. We also accepted direct talks under the auspices of the Secretary-General in order to achieve the rapid implementation of the resolution and also in order to prevent time being consumed in indirect reporting of views of one side to the other. To date, we have participated in 15 meetings of direct talks, and we have presented our views frankly and clearly for the implementation of the resolution within the framework of the resolution.

"In the first round of these talks the timetable with some modifications was again presented to both parties and we accepted, while according to what we have heard from you, the Iraqis even refused to take official note of it. With the continuation of the talks, and after the two parties had sufficient opportunity to present their views to the Secretary-General, a text in the form of a four-point plan was presented in an official meeting between the two parties on 1 October 1988. As a compromise, and despite the fact that we had comments and views on the plan, we accepted the plan in principle and declared officially that we were prepared to put that plan immediately into implementation without any change or modification of even one word of that plan of 1 October. What was presented by the Secretariat in subsequent discussions as timing and structural relationships was also accepted by us. Iraq has not yet accepted this plan even in principle. Since then the resolution has suffered a serious delay in its implementation.

2) "In continuation of the previous efforts and after the Secretary-General's report to the Security Council, the Personal Representative's trip to the two countries started. In the first round of the trip you declared to both parties that you would

consider paragraph 41 of the report of the Secretary-General to the Security Council, which enjoys the support of the Security Council, as a basis for the continuation of the work. Based on the explanations with regard to this paragraph, we accepted this procedure for work officially although we reminded you that generalities in this paragraph could be used or abused by Iraq and that would lead to prolongation of the discussion and procrastination. Iraq has yet to accept this procedure.

"However, unfortunately it has abused extensively its generalities for its purposes. In this paragraph the urgency of withdrawal and release and repatriation of POW's in accordance with the very text of the resolution has been emphasized. We are prepared for the urgent implementation of those two paragraphs either as two paragraphs or within the framework of the four-point plan which has also received your emphasis in this very paragraph. The integrated whole nature of the resolution has automatically been accepted by the acceptance of the resolution. However, we accepted your proposal to declare in writing to the Secretary-General, to be endorsed by the Security Council, our commitment once again to the integrated whole nature of the resolution.

"As a result, what you foresaw in your plan of work in the two countries was accepted by us in your first trip to Tehran completely, practically, and without entering into one-sided interpretations. Therefore, based on what you have told us, there is nothing left for us to comment on. However, if there is anything in your view within the framework of paragraph 41 which requires comments or positions on our side we wish to ask you to present it to us clearly so that we could immediately respond so that after the end of your trip the situation would be completely clear.

3) "The objective is the implementation of the resolution for reaching peace. Re-emphasis on certain international principles or the announcement or declaration of positive positions by both parties with regard to future relations between the two countries can only serve to help bring about rapid implementation of the resolution. Your proposals can only be interpreted in that regard and only in that case can they be meaningful. We have taken the first step in this regard and despite the fact that the Iraqi forces continue to occupy our territory and despite the fact that POW's have not been released and repatriated, we have declared that we wish, that we want, good neighbourly relations with Iraq and co-operation between the two countries.

"Now Iraq is saying that based on this position all provisions of the resolution and even more detailed issues relating to procedure should be re-interpreted and that means to put the resolution on the negotiating table, to renegotiate the resolution; that is, to negotiate the binding decision of the Security Council which requires commitments for the parties.

Neither we nor the Security Council can accept such a proposition, and we naturally are against it.

4) "The comments by Iraq are in fact an attempt to reverse the resolution, to put the resolution on its head. According to the resolution, withdrawal to the internationally recognized boundaries is a first step towards a negotiated settlement. All that Iraq has presented in its comments is in fact completely against this position and in the opposite direction. Iraq in fact says that outstanding issues between countries should be settled and good neighbourly relations should be created so that we could take steps for the implementation of the resolution. Even more dangerous is that Iraq, in its comments, has made withdrawal to the internationally recognized boundaries, which is a clear obligation of that country, as a part of a deal. This is contrary to the text and letter of the resolution and is completely unacceptable. It cannot even be presented.

"Recent comments have in fact clarified the objective of Iraq with its introduction of an issue under the heading of clearing in the beginning of the implementation of the resolution. This is an issue about which we warned since the very beginning. The sovereignty of every country over its territory is an accepted principle of international law. We accept Iraqi sovereignty over its own territory and do not have any intention to infringe upon it nor will we allow Iraq to undermine or infringe upon the Islamic Republic of Iran over its territory.

"From the comments made by Iraq it can be understood that withdrawal to the IRB which is a mandatory requirement of the Security Council, has been made conditional upon changing internationally recognized boundaries between the two countries which are based not only in accordance with the present Treaty between the two countries but also based on general principles of international law which are permanent and unchangeable.

5) "The position of the Secretary-General, that is, that the implementation of paragraph 6 of the resolution has been entrusted to the Secretary-General is very clear. Cognizant of this fact we accepted the proposed text with regard to the procedure and timing for the implementation of paragraph 6 which was presented in July and August 1988, and in the previous round, in response to your question, we once again declared that we were prepared to accept it without discussion or interpretation. Since the implementation of the cease-fire, in order to help the Secretary-General to implement the resolution in a manner which he deems most appropriate, we have refrained from emphasizing or urging the rapid implementation of this provision while our position in this regard is very clear.

"With regard to paragraphs 7 and 8 of the resolution, whose implementation has also been entrusted to the Secretary-General, as we have said, we accept your proposed texts without discussion or interpretation.

6) "With regard to the letter of 8 August 1988 of the Secretary-General, Iraq has presented interpretations which require scrutiny. What has been presented in that letter from the Secretary-General is to begin direct talks under the auspices of the Secretary-General to reach common understanding on the other provisions of the resolution and the timing and procedure for their implementation. It is absolutely clear that since the Secretary-General has been the author of this letter, he more than anybody else and more than the two parties, understands the meaning and content of his own text. It is clear also that the proposals and plans put forward by the Secretary-General for the implementation of the resolution included his understanding of the contents of this letter and that we, by accepting these proposals and plans of the Secretary-General, have shown that we have been in conformity with the letter not only in declared official positions but also in practice.

On the other hand, non-acceptance of the proposals of the Secretary-General by Iraq is the best proof that Iraq only accepts this letter based on its own interpretation and in fact with this one-sided interpretation desires to redraft the resolution as a whole and each of its paragraphs. We up to now have participated in fifteen meetings of direct talks, and we have no difficulty to continue these talks if so desired by the Secretary-General. However, the real issue is the implementation of the resolution, and issues of procedure and form are certainly secondary.

7) "With regard to the question of POW's we once again declare and emphasize that we are completely prepared for the comprehensive release and repatriation of POW's within the framework of resolution 598 and your proposal. We have also accepted the urgency of withdrawal and release and repatriation of POW's which you have also referred to in paragraph 41 of the report. But with regard to the three issues in paragraph 40, we wish to say the following:

- a) 'With regard to the release and repatriation of sick and wounded prisoners as a humanitarian step and considering your confidence in the Iraqi response, we are prepared, and following necessary preparations, we will start.
- b) 'With regard to visits, these can start and can continue in a balanced manner.
- c) 'With regard to registration, we believe that the number of registered Iranian POW's in Iraq should become balanced with the number of registered Iraqi POW's in Iran. Even if only based on the claims of the ICRC and Iraqi officials, even if we want to base

our work on these claims, the ratio of all POW's in Iran and Iraq is 3 to 2 while we have nearly three times the number of registered Iraqi POW's in Iran than they have in Iraq. This lack of balance should be remedied by immediate action on the part of Iraq to bring the number of registered POW's to a balance. Of course the Foreign Minister of Iraq has said that he will not accept proportionality with regard to the issue of registration. But as you know, Iraq insists on proportionality on the release and exchange of POW's; and even with regard to release and repatriation of the sick and wounded, Iraq insisted on a superficial proportionality and this is certainly a contradiction and double standard used by Iraq.'

"I deem it necessary to make a point that the main purpose of your trip has been to move in the direction of the implementation of the resolution and the outcome of this trip should be assessed and introduced in such a framework. The contents of paragraph 40 of the report has not been the objective of the trip and should not overshadow under any condition the main objective of this trip and we certainly know that you will not allow it either.

8) "With regard to your suggestion concerning the dispatch of a team from the United Nations to assess the damages in the two countries, while emphasizing the point we just made with regard to the objective of the trip, we welcome the suggestion. It is of course clear that such a team will visit all areas including those under Iraqi occupation which have suffered extensive damage."

The Personal Representative thanked the Minister for his comments and said what he had heard would be studied very carefully. He would make use of it in the best possible way for the purpose which he knew the Minister shared, namely, to bring about the implementation of the resolution. The objective of the trip of course was to bring the process forward on that road. That was something to which the Secretary-General was very strongly committed. He had been very happy to receive positive comments from the Security Council before he had left for the area, which had supported in general terms the direction in which the process was going. In his view, the main emphasis of the Secretary-General's September report to the Security Council could be found in paragraph 41. It was time to deal with the way to proceed to implementation of the resolution. He had no difficulty with the Minister's conclusions about the emphasis on implementation in its entirety.

He then referred to the comments he had transmitted to the Minister about his contacts with the Iraqi side and noted that he had not gone into the details of his own part in the discussion as he was sure Iran knew the UN position on the key issues. He had

received comments in Iraq and had passed them on in what he thought was an appropriate form. He mentioned that in his view, they in no way changed the direction of the work, which was contained in paragraph 41. He recalled that he had mentioned that to the Iraqi side in several meetings and he had not received any objection to it. He would continue the effort to obtain from the Iraqi side its commitment regarding paragraph 41. It was his intention on the third leg of the trip to see whether any move could be taken from the UN side. As the Minister knew, he would report to the Secretary-General who would then report to the Security Council. When coming to the closing week of the current exercise he felt a particular responsibility for the process. The certainty that the process was continuing was important to establish; that reaffirmation would be important. He then referred to the possibility that the Secretary-General might wish to meet the Ministers in New York, perhaps in mid-December, and that meeting might possibly be followed by another before the end of the year. He would revert to that idea on his next trip to Tehran.

The Personal Representative then commented on the Minister's earlier presentation. He had noted positively that Iran had once again stated clearly its acceptance of the ideas about the timing and structural relationships. He had been glad to hear its acceptance of the procedure for work according to paragraph 41 and that one should continue on that basis. He had also taken positive note of what he had said about paragraphs 6, 7 and 8 where the Minister had indicated that Iran could accept the already proposed texts of July and August 1988 without discussion or interpretation. That would be a positive contribution, and he would discuss the matter with the other side. In his view, there was all to gain in trying to achieve as soon as possible what had been accepted earlier. One could then see how it would fit in the current work, and he thought a natural way would be in the context of paragraph 41.

On the direct talks, he had taken careful note of what the Minister had said. The UN had always tried to avoid a legalistic interpretation of the 8 August letter. He thought one should try to move away from that and look to ways one could substantively and concretely achieve progress. He had been encouraged by the remark that the implementation of the resolution was the main thing and that considerations of form were secondary. That had been a very constructive statement, which he would convey in strong terms to the Iraqi side.

He thanked the Minister for his positive contribution to the POW issue. He had been glad to have the confirmation of the intention to release the sick and wounded prisoners as a humanitarian gesture and that his confidence in the Iraqi response had been considered. He would of course repeat that expectation to Iraqi officials. Iran had shown exactly what the Secretary-General had wanted in his letter when he had referred to being the first to take a step. He hoped the release would take

place very soon so it could be part of his report to the Secretary-General and therefore to the Security Council. He had noted positively the Minister's comments on visits and registration. He hoped he could interpret the reference to claims of the ICRC to mean one could work on those estimates for the two sides. He supposed that was how Iran had reached the figures of 3 to 2. That would be a good way to defuse the issue between the parties. He would look forward to working with that concept with the other side and the ICRC. That could be a positive contribution to progress.

He also wished to thank the Minister for his comments with regard to reconstruction. He thought it might be advisable to start the process with a discussion in New York, as a preparatory step, between Iranian officials and UN experts.

Mr. Picco reiterated Ambassador Eliasson's promise to study very closely the comments that had just been made. As was their duty, they would do so with the understanding that those comments had been made for the purpose of assisting the process to go forward. He then referred to the fact that the Iraqi Foreign Minister had mentioned two or three times "proposed suggestions by the Secretariat". He had taken careful note of that because it seemed to him that the Iraqi side was probably referring to a number of points that had been put forward since the efforts to implement the resolution had begun. That was something that could be worked on further. To a question from the Minister as to what those proposed ideas might have been, Mr. Picco warned that might be a question best left unanswered for the moment.

The Personal Representative added that after the above exchange, he had referred to paragraph 41 and had met with no objection in that context. Mr. Picco thought that perhaps more focus should be put in that direction. The Minister wondered if the Iraqis could have been referring to the four-point plan and Mr. Picco thought that was a possibility.

Mr. Picco asked if the Minister could provide an estimate of the time it would take to begin the release of the sick and wounded, and the Minister replied that during the next visit to Tehran he hoped to be able to respond.

Mr. Picco, for the record, repeated that they would not fail to report to the Secretary-General that as usual Iran had shown an indication of how it was prepared to co-operate with the Secretary-General's efforts to implement the resolution.

The Minister then clarified that what he had said earlier did not mean to imply an acceptance of the estimates of the ICRC. In fact, what he had said was "even if we accept these estimates as the base estimates we do not accept them because we believe Iraq has a far greater number of POW's than the ICRC believes.

But even if we accept what the ICRC said and what Foreign Minister Tariq Aziz said, then there is a certain number and based on that number a significant number of our prisoners should be registered in Iraq so that the number of those registered would be balanced." He noted that something in the neighbourhood of 15,000 should be registered so that one could reach a number that was balanced with those registered in Iran. The Personal Representative asked if that would mean the 19,000 already registered plus 15,000 and the Minister replied, "yes, approximately."

The Minister continued by saying that if one did not take that as the basis and accepted the Iraqi proposal that proportionality in registration could not be accepted, then everything that followed would suffer. Visits were based on registration as were release and repatriation. One point that could be interpreted as a discrepancy in what the Iraqis had said was that with the exception of registration everything else that had been accepted would be on a proportional basis. How could one base everything on proportionality if one could not accept proportionality with regard to registration. In his view that was not possible. If registration were not proportional how then could release and repatriation be so when one did not know how many prisoners each side held. The logical sequence was registration, then periodic visits, then at the appropriate stage, release and repatriation.

Another point he wished to make was that the Iraqis up to the current time had followed a certain procedure for the release of POW's they were holding. In almost every case two-thirds had been POW's and one-third had been civilian detainees who had been captured during the first days of the war.

The Personal Representative added that that point had been mentioned to the Iraqi side but he had received no comment.

The Minister noted that a solution must be found. Civilians should not be integrated into the military POW's category. If Iran were to do what Iraq had been doing, then it would include the Kurds who had taken refuge in Iran and release them along with the sick and wounded! The only difference was that the Kurds had come to Iran voluntarily while the others had been taken involuntarily. He could assure that when it came to the release of the first batch of sick and wounded, they would all be bona fide POW's. Could the same be said of an Iraqi release?

The Personal Representative spoke of the difficulty he had in discussing such matters. As a representative of the UN it was contrary to all his beliefs to discuss reciprocity and proportionality in the context of POW's. Registration, visits, release of sick and wounded were all things which should have been done from the very beginning. As a realist he could accept that the current situation was a fact and one had to resolve it. He reiterated his appreciation for the gesture on the sick and wounded release.

Mr. Picco added that he hoped the impression was not being created that the UN was focussing on an issue which was limited in itself even though it was a very unfortunate situation. The main goal of course was implementation of the resolution. He then referred to the Minister's mention of the "first batch" of the sick and wounded to be released and said he hoped that Iran would consider as few batches as possible. The complete release in one batch would be most welcome of all. He then made a practical suggestion regarding registration. He wondered, whether it would be possible to operate, without commitment or without prejudice to the position of either side, with the working figure of the ICRC: This would make it possible to suggest that the registration of POW's in Iraq from the figure of 19,000 to the estimate of the ICRC, and the registration of the Iraqi POW's in Iran from the figure of 49,000 to the estimate of the ICRC, would be completed in the same time period. Thus one could overcome the question of proportionality in the registration process.

The Minister said that he had one problem which was that it would take time and in that, supposing that Mr. Picco's proposal would be accepted, Iran would continue with sincerity as it had done in the past to allow the ICRC to register everyone in Iran. On the other side, Iraq had a history which was a good guide: Iraq would continue as they had done in the past to deceive the ICRC with regard to the process and in the end the process would be even worse and the ICRC would not even know it. He understood Ambassador Eliasson's humanitarian considerations but Iran also had humanitarian considerations. There was a great deal of pressure coming from the families of those who were POW's and MIA's, who were wondering why Iran had so far registered 50,000 POW's and Iraq had only registered 19,000. The matter of what had happened to members of all those families was a great social problem. He noted in that context that he himself had a nephew who was among the missing.

Mr. Picco asked whether the deception that had been mentioned was connected with a fear that some of the POW's might have been hidden.

The Minister said that it seemed that in the final analysis the Iraqis had deceived the ICRC whose representatives were very naive. During the course of the war, when Iran had had the upper hand and despite internal pressure, Iran had allowed the ICRC to register without hinderance. The ICRC had not been able to compel the Iraqis to do the same which was why one had to face the current situation.

Ambassador Nasser added that the UN had to concern itself with the humanitarian problem and the Convention but the idea of proportionality had been included in UN texts: the four-point plan and the implementation plan. That had been abused by Iraq on even the sick and wounded issue. He then reiterated that it

would have been much better for the Iraqis to begin with the registration of the sick and wounded because the UN could be sure Iran would respond generously and would not play a numbers game. However, Iran could not be sure of the opposite. With regard to Mr. Picco's idea, one problem was that it would tend to suggest that the ICRC figures were real. It must only be a working figure to bring about a balance; not a real figure, One could fill the list on that basis.

The Personal Representative noted that reciprocity and proportionality were not part of the Convention but had probably been part of the arrangement worked out by the ICRC for paragraph 3 of the resolution. Ambassador Nasseri responded that the ICRC had been meeting a UN text to which Iran had closed its eyes so as not to create a problem. The Personal Representative added that the idea of that inclusion had been to complete the release at the same time. Ambassador Nasseri indicated that Iran still did not wish to make this an issue but wanted the point to be kept in mind.

The Personal Representative then expressed his appreciation for the meeting and spoke of the schedule for the continuation of the shuttle.

Mr. Picco thanked the Minister for having facilitated the meeting that would soon take place between Iranian and UNIIMOG officials. The Minister undertook to follow that matter personally.

The meeting concluded at 15.45 hrs.

JK/cc

Orig : SG
cc : Ambassador Eliasson
Mr. Picco
Mr. Sommereyns
Mr. Liden

CONFIDENTIAL

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

Held in Baghdad
on Sunday 12 November 1989, at 18:30 hours

Present

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Minister for Foreign Affairs of Iraq
H.E. Mr. Al Zahawi
Under-Secretary, Ministry of
Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi
Head of International Organizations
and Conference Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Kamal
Director of the Office of the
Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister

The Personal Representative began by describing his meetings in Tehran where he had presented at length the views he had received during his meetings in Baghdad and had given a considerable proportion of his presentation to the President's message and to the Minister's six points which he had given more or less verbatim. On the previous Friday evening, the Iranian side had a long meeting with President Rafsanjani to go over the details of that presentation.

The Iranian side's view has been presented and had been conveyed in a formal way on Saturday afternoon in response to the comments he had given about his Baghdad meetings.

Following his description of those views, the Personal Representative said he would then give some further points that had followed the Iranian side presentation. He would present some thoughts of the UN side about the current situation at a later meeting.

Presentation of the Iranians views

The Personal Representative then gave his paraphrased summary of what he said he considered to be well prepared and considered remarks from the Iranian side.

"What had been reported, Velayati had said, from the visit to the President and Foreign Minister of Iraq, had been reviewed in detail and President Rafsanjani had also been informed. The message from President Saddam Hussein to President Rafsanjani had been received. It was generally received positively, however, some of the comments that had been made in connection with that message gave cause for concern and could mean that one could come into a serious situation although Iran hoped that, in the interest of peace, that would not be the case.

"The Iranian Minister had then proceeded to say that Iran's commitment to reaching peace was firm and real. The will to do so had already been determined. The only way to achieve peace rapidly was the implementation of the resolution unconditionally. The only way to guarantee that neither side would gain concessions or give concessions was in fact the unconditional implementation of the resolution. With the implementation of the resolution, the two countries could put an end to the current situation by the establishment of peace which would bring about good neighbourly relations and co-operation between the two countries. Iran was ready to implement the resolution completely. Iran accepted direct talks under the auspices of the Secretary-General in order to achieve the rapid implementation of the resolution. It also did so in order to prevent that time be consumed in indirect reporting of views of one side to the other. They related that they had participated in fifteen meetings of direct talks and had presented their views frankly and clearly for implementation of the resolution within the framework of the resolution.

"They then made references to Iranian acceptance of proposals of the Secretary-General, but particularly mentioned that they had accepted proposals as to timing and structural relationships between different elements.

"They then made a reference to paragraph 41 of the report of the Secretary-General to the Security Council and the proposed need to see this as a basis for the continuation of our work. They made a reference to my earlier visit and our earlier suggestions during the trip for using paragraph 41 positively. Iran had accepted this procedure based on the explanations with regard to this paragraph that I had made during my first trip. However, they wanted to remind me and had already said so at the first visit that generalities in this paragraph could be used in a way that would lead to prolongation of the discussions. They noted that these fears had proved to be well founded. Iran was ready to discuss, however, both substantive parts of the resolution and the integrated whole nature of the resolution. In other words, they said what they understood we foresaw as our plan of work in the two countries had been accepted by Iran completely, practically and without entering into one-sided interpretations.

"They stated that the objective of our work must be the implementation of the resolution in order to reach peace. Re-emphasis on certain principles of international law or the announcement or declaration of positive positions by both sides with regard to future relations could serve to help bring about the rapid implementation of the resolution. They said that they had declared that they wished good neighbourly relations with Iraq and co-operation between the two countries. It would seem that Iraq was saying that all provisions of the resolution and even more detailed issues relating to procedure should be reinterpreted. That was the same, they said, as putting the resolution on the negotiating table. It would mean to renegotiate the binding decisions of the Security Council which required commitments for both parties.

"They proceeded to say that, according to the resolution, withdrawal to the internationally recognized boundaries was a first step towards a negotiated settlement. What Iraq had presented in its comments was in contravention of this part of the resolution. They considered even more dangerous that Iraq had made withdrawal to the IRB, which is a clear obligation of that country, into a part of a deal. This, they said was contrary to the text of the resolution and was completely unacceptable. In this way, they recalled their misgivings at the time of the introduction of the issue of clearing in the beginning of the implementation of the resolution. From the comments made by Iraq, they said it could be understood that withdrawal to the IRB, which was a mandatory requirement of the Security Council resolution, had been made conditional upon changing the IRBs which were based not only in accordance with the present treaty between the two countries, but also based on general principles of international law which were permanent and unchangeable. Foreign Minister Velayati

stated that Iran accepted Iraqi sovereignty on its own territory and had no intention to infringe upon it, nor would Iran allow Iraq to undermine or infringe upon the rights of the Islamic Republic of Iran over its territory.

"They then proceeded to comment on paragraph 6. They started by making a reference to the text of the resolution and said that it was clear that, according to the resolution, the implementation of paragraph 6 had been entrusted to the Secretary-General. Recognizing this fact, Iran had accepted the proposed text with regard to the procedure and timing for the implementation of paragraph 6 which was presented in July and August 1988. I could, in this context, add that similar terms were used about texts relating to paragraphs 7 and 8 which had also been presented in the summer of 1988.

"There was then a lengthy portion with regard to the letter of 8 August stating Iran's interpretation of that letter. From that statement, it was also clear that they were fully aware of Iraq's interpretation of that same letter. The concluding points of this section of the Foreign Minister's presentation was a very strong stress on the need to see the purpose of this letter in the light of the need to achieve the implementation of the resolution. There was a strong stress and a need to make progress on substance. This was the whole point of discussing the subject. Iran had no difficulty in continuing these talks if so desired by the Secretary-General. However, they said the real issue was the implementation of the resolution and Minister Velayati said issues of procedure and form were certainly secondary.

"I then came to the question of POW's. With regard to the release and repatriation of the sick and wounded prisoners, as a humanitarian step and also considering the confidence that I had expressed in the Iraqi response, Iran was prepared and following necessary preparations would start such a release and repatriation of sick and wounded prisoners. Furthermore, with regard to visits, these could start and a continue in a balanced manner. With regard to registration, Iran believed that the number of registered Iranian POW's in Iraq should become balanced with the number of registered Iraqi POW's in Iran.

"On reconstruction, Iran was positive to the possibility of dispatching a team from the UN to assess the damages in the two countries. It was clear to Iran that such a team in that case, should visit all areas including those under Iraqi occupation which had suffered extensive damage."

The Personal Representative noted that all the above were the points that had been made in the formal presentation of Iran. That had been followed by a discussion in which he would not detail everything the UN side had said but

considerable time had been devoted to mechanisms to achieve progress in the implementation and considerable time was devoted to the matter of the direct meeting and perhaps most of the time had been devoted to the POW's issue. Several times reference had been made to consultations with President Rafsanjani and it seemed that matters of detail had been discussed with him. It was obvious that they had studied Iraq's comments very carefully. The following were a few of the points that had come up in the ensuing discussions.

Iran had repeated several times its commitment to reach peace and to implement the resolution and that that commitment was final and real. They again had said that the only way to achieve peace rapidly was to accept the unconditional implementation of the resolution. The Iranians had commented positively on suggestions with regard to underlining the integrated whole nature of the resolution. They had shown some understanding about the need to meet Iraqi concerns with regard to the implementation of the resolution as an integrated whole. The objectives, according to Iran, should be "the implementation of the resolution for reaching peace".

They had repeated their willingness on paragraph 6 to accept a text on timing and procedure and accepted that that would be done within the framework of paragraph 41 of the report. He thought a similar comment might be made concerning paragraphs 7 and 8. In general, they had appeared to consider positively the relationship between the various elements of the resolution. On paragraph 6 specifically, they had said at one stage of the discussion, that after the impartial body had been formed, it was for the parties to present their evidence and then leave the judgement to the body. On paragraphs 6, 7, and 8 they had seemed to want to avoid long discussions in interpretation that could lead to prolongation of the implementation.

As for a direct meeting, Iran had no difficulty in continuing the kind of meeting that had been held until now. However, if one intended to go outside the resolution or dilute the role of the UN, that could not be accepted. Again, they had stressed that the real issue was implementation. They had used the phrase "issues of procedure and format were secondary", and he had used the phrase, which was not objected to, that "one should not be prisoners of form". The format should be seen in the context of whether or not it would help on the road to implementation according to the Iranian side.

On POW's, Iran was prepared to start the release of the sick and wounded prisoners following necessary preparations. That was not based on expectations that Iraq would respond. It

was not conditional. They had noticed, however, that the UN side had been confident that Iraq would respond. They said that, in just a few days, Iran would be able to indicate when the release would begin. The purpose was to start a process for the release of all sick and wounded POW's. On visits, Iran had clarified that visits by the ICRC could start and continue in a balanced manner. In general, they saw the ICRC as the agency which was to deal with those matters. On registration, they had come back to the balance in numbers but had shown a willingness to move. In the past, they were reluctant to discuss it at all but they were actively discussing during the last visit how to bring about the continuation of registration. There had been a long discussion and Mr. Velayati had made several points: he had pointed to the fact that 19,000 prisoners were registered on the Iraqi side and 49,000 on the Iranian side. If one were to accept, which they did not, the ICRC estimate, then it would seem natural that Iraq would register at least another 15,000 to come up to the same relationship. From there, one could move and make progress. There were different possible formulas discussed.

On reconstruction, Iran had expressed readiness to send experts to New York to meet with experts of the UN agencies to discuss how the needs for reconstruction could be assessed and the role of UN agencies in that regard as a step toward further action.

The Iraqi position, he hoped, had been accurately transmitted. He had received a detailed Iranian reaction. The commitment to resolution 598 was clearly stated and there was acceptance of paragraph 41 as a basis for continued work. They discussed key issues of substance and were also open to discuss format for future meetings. They had made concrete proposals to start the release of sick and wounded and they had accepted to start the work on reconstruction in the context of the UN.

The Personal Representative then gave the floor to Mr. Picco to discuss the question of POW's.

Mr. Picco said the discussion on the question of POW's had been quite lengthy and had involved Foreign Minister Velayati in a direct exchange for a long part of the meeting. The issue had been taken up before with his colleagues and matters were discussed both at the level of principle and practical aspects. The discussions at the level of principle from the UN point of view, had been useful because it had allowed the solicitation of comments and actions to a degree to which the UN had not so far been able to do with the Iranians on that question. There had been another aspect, at the level of concept, which had emerged from that discussion. That,

as had been heard already, was the reference, which did not mean acceptance, of the estimate of the ICRC. What had followed from that reference to those estimates had been a concretization of the expression of proportionality. When they had referred to proportionality, they have used the expression of "3 to 2" and that was directly related to, in his view, the estimate of the ICRC. Foreign Minister Velayati had been very specific when he had said that did not mean that he accepted the ICRC estimates. The UN side had pushed very hard on the practicality of the sick and wounded release and it had followed carefully paragraph 40 of the report. The most objective comment that had been received was that in a few days they would indicate when it would be feasible to begin the release of sick and wounded prisoners.

The Minister then inquired what had been the characterization of that step with the agreement of November with the ICRC, and Ambassador Al-Qaisi asked whether all the sick and wounded were to be released.

The Personal Representative said they had seen it as a beginning without particularly saying it was being made on the basis of the November agreement. They had indicated the need for some type of revision of that arrangement. The first step would be a unilateral step taken by them. He thought that whether or not Iran released all of them would depend on the response received from the Iraqi side. His own interpretation was that if there was a response with the same type of proportionality that had been the case last time, there might be some negative reaction.

The Minister said Iraq had decided that all should be set free regardless of the numbers. In the records of the ICRC, the numbers that had been released previously were the numbers that had been indicated.

Mr. Picco said the conversation that had been held with the Iranians had been aimed at the concept of the release of all the sick and wounded. He would hope that the matter could be delinked from any concept of numbers. That was why the concept of all prisoners was being focussed upon, and that was why he could not tell Iraq an operative figure at the current point. He then made a clarification regarding the issue of proportionality. If the proportionality was the same as in the November agreement, that would be seen in a different way and that was the only proportionality that had been used.

The Personal Representative said that he had personally tried to make the point of getting away from numbers regarding the release of the sick and wounded and, of course, the registration of all the prisoners of war.

Ambassador Al-Qaisi asked whether Iran had indicated or whether it had been understood how the category of sick and wounded would be determined.

The Personal Representative responded that Iran had been asked to have a very liberal definition of sick and wounded.

The Minister thought Iran was playing again with POW's. While Iran was complaining of a deal, it was making a bad deal by using human lives.

Mr. Picco said that, on the question of the visits and registration, there had been a long conversation which he believed had to continue because the UN side was not yet able to derive enough information to pass on in that regard. The conversation would be pursued in a practical manner on the return to Tehran.

The Minister then said that he would have no more comments at the current meeting but would reserve them for the next day.

The Personal Representative, pointed out that as the final part of the extensive round of consultations was now at an end, he thought it would be important and in the interest of all to see what could be done as a practical outcome of the visit. Of course, it was always important to achieve a high degree of knowledge but he thought that everyone had an interest in seeing that the initiative was a way to further the efforts to bring about an implementation of the resolution. He very much wanted to give thought to that both in terms of substance, how one could work on the continued implementation of the resolution, and how one most fruitfully could conduct the work. The UN had suggested certain formulas which could be fruitfully used. That was the main issue. The UN in that regard would also consider the format in which such discussions could take place in the future. He thought as always and as had been the case since the talks have begun last August that one should be very careful to see to it that one had an assured continuation of the process. He would therefore very much like Iraq to consider how one could see to it that contact was maintained in the appropriate form to discuss implementation of the resolution. He had detected a certain new openness on the Iranian side and he was certain if the Secretary-General would come to the conclusion that he could fruitfully develop such a format and really bring about results, that would be a matter which could be put under positive consideration by him.

He then referred to the report he would give to the Secretary-General at the end of the trip who in turn would report to the Security Council. He thought the main emphasis should be put on implementation of the resolution and how to

make real progress on the issues. He would also like Iraq to consider other ways one could influence in a positive way the work on which all were embarked. He would ask positive consideration of anything that could be done in areas such as the POW's, reconstruction, and the role of the UN in that regard. Referring to the next day's activities, the Personal Representative said he hoped to present some observations on the current status of the talks and future requirements for further implementation of the resolution.

The meeting adjourned at 19:40 hours.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyngs
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE UNDER-SECRETARY OF THE MINISTRY
OF FOREIGN AFFAIRS OF IRAQ

(held in Baghdad on 13 November 1989, at 18.00 hrs)

In Attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyngs
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Al Zahawi
Undersecretary, Ministry
of Foreign Affairs
H.E. Mr. Riyadh Al-Qaisi,
Head of International
Organizations and Conferences
Department, Ministry of
Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of
Iraq to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign
Minister
Mr. Adnan
Personal Assistant to the Foreign
Minister

The Under-Secretary read some prepared remarks from his
Minister, as follows:

1. The question of peace and good-neighbourly relations
"Iraq's desire to establish a comprehensive and lasting
peace with Iran and in the entire region and to establish
relations of good-neighbourliness with Iran on the recognized
basis of international law is a firm and openly stated Iraqi
policy which was emphasized by Iraq before the outbreak of the
conflict and through the eight years of war which Iran had started
and had insisted on its continuation. Iraq affirmed this policy
in all circumstances regardless of the military balance. Iran
cannot present a similar record. Iran did not speak of peace and
good-neighbourliness until the circumstances which emerged after
the end of the war and everyone knows how the war had ended. When

Iran felt that it was strong it ridiculed those principles and violated them not only as far as Iraq was concerned but also all the other states in the region. What Mr. Velayati said concerning Iran's respect for Iraq's sovereignty over its territory has no evidence in the records of the conflict. They used to declare openly that there were no boundaries between Islamic countries. They used the term "liberation" whenever they occupied Iraqi territory, spoke about the resources in those territories etc. These are facts known to you and to the international community.

2. Resolution 598 and the 8 August Agreement

"The international community knows that Iraq has accepted all the resolutions adopted by the Security Council in 1980, 1982, 1983, 1986 and the last, resolution 598. We have stated earlier and we reaffirm that Iraq has no problem in understanding resolution 598. Iraq had accepted it upon its adoption. Iran accepted it one year after its adoption in well-known circumstances. Iraq acknowledges/agrees that the resolution is an integrated whole. Let us go back to history. When did this term (integrated whole) come into usage? After the adoption of the resolution in July 1987, Iran insisted that its implementation should only start with paragraph 6. The Secretary-General put a question to the Security Council. He asked the Security Council if it was possible to extract one paragraph from the resolution and proceed to its implementation. The Council's response was that a resolution was an integrated whole. This historical fact has profound significance.

"Iraq also understands that resolution 598 is a peace plan. Here we emphasize that any plan, any approach which does not guarantee the implementation of the resolution within the framework of a process leading to a comprehensive and lasting peace is a suspect approach. We must reject such an approach as must especially the UN which places the achievement of peace in the forefront of its purposes.

"How shall we implement the resolution? If there were a way to implement the resolution other than through the understanding between the two parties under the auspices of the Secretary-General and the Security Council, why then was a resolution not implemented immediately after its adoption and how was Iran able to refuse to comply with the resolution for a whole year. We put this essential question to the Iranians, to the Secretariat and to the Security Council.

"The agreement of 8 August is an agreement between the two parties with the Secretary-General. This agreement must be honoured in letter and in spirit; first, because it is an agreement; second, because understandings between parties to a

conflict through direct talks is a natural way to implement a resolution of the Security Council and to achieve peace. There is no precedent in the history of the UN where a resolution of the Security Council was implemented without the parties concerned entering into a process of negotiation. These are bases known to the international community. A recent example for this was that when Iran did not agree to the resolution after its adoption it was not implemented. We insist on asking, and we want this question to be put very clearly to the Iranians, to the Secretary-General and to the Security Council: How can we take seriously the Iranians saying that they wish to have good-neighbourly relations when at the same time they refuse to hold direct talks with us under the auspices of the Secretary-General. The 8 August agreement has no interpretations. It has only one interpretation and that is for the two parties to sit at the table for direct talks under the auspices of the Secretary-General in order to reach a common understanding of the provisions of resolution 598 and the timings and procedures for their implementation. We are ready to implement the resolution and we want it implemented as soon as possible. The way to that is through honouring the 8 August agreement. Had the Iranians agreed to that we would not have been delayed fifteen months.

"The Iranian allegation that Iraq wants to renegotiate resolution 598 is a false allegation. Its purpose is to evade direct talks, to evade the necessity of reaching a common understanding between the two parties, which is imperative in order to achieve peace and establish good-neighbourly relations of which they speak.

"Iraq acknowledges the role of the UN and the evidence to that is that it has accepted all the resolutions adopted by the UN since 1980 up until 1987. Iran did not recognize the role of the UN because it rejected or refused the resolution of the Security Council and of the General Assembly. The agreement we reached on 8 August stated very clearly that the talks would continue under the auspices of the Secretary-General. We adhere, we are committed to, this agreement. We also emphasize that whatever agreement we reach should be guaranteed by the UN.

3. The question of sovereignty

"The question of withdrawal mentioned in resolution 598 and the question of sovereignty over the Shatt-al-Arab are two questions related to sovereignty, and they are of the same nature. We believe in the principle that the sovereignty of both parties should be respected. It is not possible that the sovereignty of one country should be given precedence over the sovereignty of another. Land and waters are connected to sovereignty. That is not a deal even though the concept of deals is not unacceptable in the politics and diplomacy in our world today as it is practised by all. Nevertheless, or in spite of that, we say that it is not a deal, it is a principle. As long as there are differences between the two parties over the question of sovereignty, it is natural that these differences should be solved

simultaneously. Is it fair that Iran should take the land that belongs to it, under sovereignty, fully on the land, and that what belongs to Iraq, sovereignty over the Shatt-al-Arab, be left for future negotiations? This is not fair. This is not just. We shall not accept any arrangement which does not achieve justice. Sovereignty cannot be fragmented.

4. The Treaty of 1975

"The Iranians speak now of the Treaty of 1975. The Iranians had killed that Treaty since February 1979 and that Treaty remained dead as far as they were concerned until July 1988. They remembered it after July 1988. There is nothing in the records of Iran between 1979 and 1988 which indicate Iran's respect for that Treaty. Is this the way to treat treaties between states?

"It was Iran that took the initiative in abrogating the Treaty of 1937. The international community and the Security Council did not do anything at all when Iran abrogated that Treaty and the conflict between Iraq and Iran continued for six years. Then we reached an agreement on the Treaty of 1975. Why did we do that? First, we wanted to avoid the escalation of the conflict with Iran to a full-fledged war. Secondly, the Treaty of 1975 restored to us territory which Iran was occupying and upon which it did not recognize the sovereignty of Iraq (Zaim al-qaws and Saif Sa'ad) in 1979. In 1980, the situation reverted to the conditions which prevailed between Iran and Iraq before 1975 and it was even worse. Those territories (just mentioned) remained under Iranian occupation. Iran resumed its interference in the internal affairs of Iraq. It resumed supplying the Kurdish insurrection with arms, money, political support, and support for subversion inside Iraq. Iran worked openly for the overthrow of the regime in Iraq. On 4 September 1980, Iran launched its war against Iraq. There were artillery bombardments of Iraqi towns followed by Iranian air raids on Iraqi positions. Iran attacked shipping in the Shatt-al-Arab. All that was done before 17 September 1980. The Treaty therefore was killed by Iranian violations through the years and now it would not be possible to bring back to life, to resuscitate, that which was killed by Iran.

"Iranians are avoiding the direct talks in your presence to discuss this topic because they know what they have done. They know that the officials in Iran in the years 1979 and 1980 used to state openly that they did not recognize the Treaty of 1975, and the evidence is documented. We have referred previously to the letter of Mr. Velayati addressed to the Secretary-General on 30 October 1987 where he said "the IRB's ... are yet to be determined". He said that when the Iranian forces were occupying Iraqi territory. Who is it then who is taking the approach of striking a deal and does not respect the principles of international law? We can and are able to explain to the entire world our position concerning this matter and we have the evidence to prove and the legal and logical elements to support our position.

5. The POW's

"We have to be frank with you and say that what the Iranians had said about this subject is revolting. It is a clear expression of the desire to enter into bargaining and extortion. The Iranians spoke of international law and respect for the principles of international law. They warn against deals but then when we come to the question of POW's they turn into bargainers in human flesh and strike deals about them like Shylock in Shakespeare's play. We totally reject this Iranian approach on this question and the UN should reject it too. It is shameful to keep quiet about such an immoral and illegal approach. There is an international convention preceding resolution 598; that is the Geneva Convention of 1949, which is a valid convention, and we all have to honour this Convention.

"The sick and wounded should not be subject to bargaining. Everyone of the sick and wounded and disabled certified as such by the ICRC should be released in accordance with the 1949 Convention. Registration should mean the registration of all unregistered POW's. To speak of a balance in this context is a scandal and it means extortion. It means that some would be registered while the others would not. The position of Iran on the question of visits and the adoption of a balance also in that context is scandalous and extortionist. All the POW's should be visited by the ICRC and in a legal manner as is the case in Iraq. The basis is the release and repatriation of all the POW's without any conditions, again in accordance with the Geneva Convention and under the auspices of the ICRC, without linking this question to the political negotiations.

6. Paragraph 6 of the resolution

"Iran's answer on the question we put concerning this point does not indicate its seriousness. We know very well the text of paragraph 6. We do not need anybody to interpret it for us. We had put a specific question on how Iran views the solution of the contradiction between the allegations made by the two parties concerning the responsibility for the conflict and their desire to establish good-neighbourly relations in the future. Let us imagine an Iraqi delegation and an Iranian delegation sitting in one of the rooms of the Palais in Geneva discussing the requirements of the establishment of good-neighbourly relations and the requirements of co-operation between the two countries. In another hall we have another delegation (Iranian and Iraqi) accusing each other of the responsibility for the conflict. Is this not contradictory?

"We have asked in all sincerity how to resolve this contradiction while we seek to implement the resolution, establish a comprehensive, lasting peace and relations of good-neighbourliness. The Iranian Minister gave a pro forma answer devoid of any real content and here we would repeat what we

had said to you on 7 November during the second visit on the necessity of making a comparison between the statements of the Iranians and the manner in which they deal with tangible matters. In the Iranian answer to this point the contradiction is clear, it arouses doubts, as is the case with their position on the question of POW's, and on other questions, contradictions between principles and practices and implementation. Therefore our suspicions are strengthened. If we want to proceed with the implementation of the resolution in good faith and considering it as a peace plan and the achievement of good-neighbourly relations, both parties must discuss such questions seriously and sincerely, resolve the contradictions in their positions and remove the mines from their path.

7. What next?

"We are ready to hold in-depth dialogue on all proposals or suggestions that are presented to us. In this respect, each side shall outline what it considers to be essential and urgent. We consider the question of Iraqi sovereignty over the Shatt-al-Arab, for instance, as an urgent and essential question. We are ready to meet at the level of experts or the ministerial level and we do not exclude meetings at a higher level. In a desire to open the way for further opportunities for peace and to achieve further clarity on the question of the package of which you are thinking and on the ideas of the Iraqi and Iranian sides and to prepare the appropriate political and psychological ground for an entry to the comprehensive settlement, we propose the continuation of the talks in the format of direct talks in specialized committees on the level of experts from the two sides and representatives of the Secretariat to consider the detailed technical aspects, the main questions before us and that these meetings should be held in Baghdad and in Tehran alternately.

"The committees and the questions which they would consider are the following: 1) the committee on sovereignty over the Shatt-al-Arab; 2) the committee on withdrawal; 3) the committee on POW's in the framework of the Geneva Convention; we think the representatives of the ICRC should actively participate in the talks concerning the POW's; 4) the committee to deal with paragraphs 6 and 8 of the resolution; 5) the committee to deal with paragraph 4 of the resolution.

"The meetings of these committees should be held on an ad referendum basis in order to prepare for a direct meeting to be held between the two Ministers under the auspices of the Secretary-General, again without excluding the probability of holding a direct meeting in the presence of the Secretary-General at a higher level at a place and at a time to be agreed upon. These committees should finish their discussions in a period not to exceed three months and each committee should hold at least four meetings.

"On the question of POW's, we are ready to implement the agreement that we reached with the ICRC in November 1988 and that

was an agreement between the two parties. That was yet one of the other agreements which we had reached and upon which Iran reneged. This is yet another example or evidence of the degree of their insincerity and lack of seriousness in their dealings. The proportions mentioned by the Iranians, 3 to 2, are not correct. We shall not set any proportion. Let us start registering the POW's immediately by the ICRC. After the completion of this registration the ICRC will define or determine the question of proportion. This is the honourable and legal position towards this question."

The Personal Representative thanked the Minister for reading the Minister's comments, and it was proposed that the meeting be adjourned until later that evening.

The meeting was adjourned at 19.40 hrs.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyns
Mr. Liden
(with attachment)

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAQ

(held in Baghdad, on 13 November 1989, at 21.30 hrs.)

In attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyns
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Tariq Aziz
Foreign Minister of Iraq
H.E. Mr. Wissau Zahawi
Deputy Foreign Minister of Iraq
H.E. Mr. Riyadh Al-Qaisi
head of International Organizations
and Conferences Department
Ministry of Foreign Affairs
H.E. Mr. Abdul Amir Al Anbari
Permanent Representative of Iraq
to the United Nations
H.E. Mr. Al Wittri
Legal Counsel of the Foreign Minister
Mr. Adnan
Personal Assistant to the
Foreign Minister

The Personal Representative began by asking for a clarification on the concrete suggestions that had been made on the issue of reconstruction and the role of the UN and the international community, and the possibility of Iraq's sending an expert to New York in that regard.

The Minister, as he had said in earlier meetings, believed that the first step, should be for the Secretary-General to explore with a number of donor nations their readiness to participate in that effort. When there was something tangible, he would consider how to follow up. He was concerned about the raising of expectations and speculations.

The Personal Representative said he had tried to take into account Iraq's concern about the raising of expectations by suggesting that an Iraqi expert should come to New York which would be a "less spectacular" measure. The Minister indicated that his comment would remain the same.

The Personal Representative then asked for another clarification. He said that as a rule he had refrained from going through all the UN side's comments, reflections, questions relating to the talks with the other side and that held very true

for the POW issue. He had thought more appropriate to communicate each side's views. However, he thought it had not been sufficiently clear in his presentation in what strong terms the Geneva Convention had been discussed and the need for movement in that very urgent humanitarian matter. Such discussions, he thought, actually should take place under the ICRC. He did not want to discuss numbers or reciprocity; that did not belong to a UN resolution. He personally did not feel comfortable in such a discussion, and such words did not belong in the vocabulary of a UN person. He indicated that the Secretary-General shared that view.

The Minister thanked the Personal Representative for his clarification. He hoped that the UN Representative would stand very strongly with the Convention which was a part of the resolution and had to be respected fully. The Iranian way of dealing with the issue was setting a very dangerous precedent.

The Personal Representative said he had taken note that the Minister had said that all the sick and wounded should be released and that all the unregistered should be registered. The day before he had said the Iranians had recognized the role the ICRC could play in the area of visits and registration. They had said the same thing, of course, about the sick and wounded which he wanted to clarify. He once again expressed the hope that Iraq would take measures dealing with the sick and wounded.

As for the presentation he had heard earlier that evening, it had been very clear, and he did not need any clarifications.

Then, in general remarks, he thanked the Minister for his extensive comments on a number of important issues. They would be closely studied by the Secretariat and would be conveyed to the Secretary-General and would indeed form part of the discussions with the Iranian side. The Minister would appreciate that it was the first duty of the Secretary-General to place all contributions he received from the parties in the context of his mandate: the implementation of the resolution. "Nothing more, nothing less".

The framework provided by the resolution was the boundary and the guidance. The Secretary-General accordingly would work only within that framework.

He said he had been gratified by the words that had been said about the Secretary-General and his role in the process of implementation of the resolution. The role of the Secretary-General, and of those who worked with him on the matter, as intended by the Security Council, was that of providing good offices to bring about implementation of the resolution. With the support of Iraq that role should be pursued.

He was also pleased to note that Iraq was ready to contribute to the development of the package the Secretariat was working on to achieve the full implementation of the resolution.

The Personal Representative then read out the attached observations on the present status of and future requirements for the further implementation of resolution 598.

The Personal Representative said that the Minister could rest assured that the comments which he had given during the meetings that had been held during the visit would be thoroughly analyzed in the context of the framework of the resolution and in the context of what had just been stated. He would not fail to take advantage of all constructive suggestions which had been made throughout the visit. He could also assure that he would make the same observations to the Iranian side and would seek to hear their views in due course. Extensive, substantive and procedural comments had been made during those visits. He was certain that both sides, and the UN side as well, would need to analyze all the materials that had emerged during the previous two weeks. He foresaw extensive contacts in the weeks ahead which he hoped might lead to a meeting, in an appropriate form, in New York in the middle of December.

The Minister thanked the Personal Representative for his remarks and for his undertaking to give his own remarks to the Secretary-General and to convey them to the other side. Iraq had made its contribution during the visit out of its sincerity for the cause of peace. The implementation of the resolution was in the cause of peace, and that was how he understood it as a peace plan. Whatever contribution Iraq had made and, more especially, in its discussion of the essential issues, had been out of its sincerity and seriousness for the cause of peace. Iraq usually declared all matters in a direct and frank manner and in previous meetings had criticized the method of "beating around the bush". Good-neighbourly relations should be established between Iraq and Iran; good relations that would last. He appreciated the very important remarks in which the Personal Representative had said it would be in contravention of the spirit of the resolution if the implementation of the resolution contained the seeds for future confrontation. That had been the main theme in Iraq's contribution and presentation in the previous two rounds, and had also been a major theme in Iraq's deliberations with the Secretary-General in the past and in the discussion that had been held with the Iranians under the auspices of the Secretary-General. All Iraq's contributions and suggestions had been in the context of that remark.

He had also appreciated the emphasis about the necessity for timing and structural relationships and also the necessity for assurances. In that regard, he said he would like to comment frankly. Assurances put on paper under the auspices of the Secretary-General and the Security Council would be of great value to a state such as Iraq and they were also of great value to those countries which sincerely contributed to the cause of the UN, and to those states which were keen about their credibility in the world. However, in practice, a number of countries did not have the same values and practice with regard to assurances and

guarantees. Iraq regarded Iran as one of those countries. He was dealing with a Government that had no established record in respecting UN decisions or guarantees or principles of international law. There was evidence for that in Iran's refusal to accept the resolutions of the Security Council between 1980 and 1987; its quarrels with the whole world about matters on which the majority of nations could see that Iran was not in compliance with the values and principles of the civilized international community. Therefore, in that respect and in respect of the assurances made by the UN, which were vital and highly valued by Iraq and which should be put on all agreements, Iraq would discuss such concrete and tangible assurances according to each case. If he were dealing with another country where nobody doubted its dealings with the UN, he would not have had to make such a comment. Iran was a unique case which obliged Iraq to be very cautious about the need to provide real and concrete assurances.

About the concrete issues that had been mentioned, he said that it had been stated that the provisions of resolution 598 were well known. In that regard he then made an explanation about the content of the paper that had been read out on his behalf earlier that evening. In Iraq's view, withdrawal of forces to the IRB covered the situation in the Shatt-al-Arab. His President had explained in his meeting with the Personal Representative that in the current situation of the cease-fire, while the Iranians were in some cases in places which they regarded as their land, and to which Iraq had no objection, part of Iraq's territory had become a no-man's land in the sense that it could not be used and sovereignty could not be exercised on it. That was because of the current situation of the cease-fire. The Shatt-al-Arab was an Iraqi waterway over which it had not exercised its sovereignty since the commencement of the cease-fire. If the withdrawal of forces took place only on land it would enable the Iranians to exercise their full sovereignty on their chunks of territory, but it would not lead at the same time to Iraq's exercise of its sovereignty over the Shatt. It would remain as it was now unless the Iranians would admit formally that it was an Iraqi waterway and refrain from interfering or preventing Iraq from exercising its full sovereignty. He said those were issues of the same nature, both with regard to the form and substance.

In another comment, he spoke of the importance of full adherence to the letter of 8 August 1988, which was an agreement between the two parties with the Secretary-General which must be respected. It was the most natural manner in which to negotiate and reach peace. Iran's refusal to enter into real direct talks in the past had been a breach of that agreement and an abnormal way of dealing with the question of peace. As he had made clear in the presentation earlier in the evening, all countries sat at the negotiating table to resolve their problems including the implementation of a UN resolution. He recalled in that regard a statement made by the Secretary-General during the Non-Aligned summit when he had invited all nations to sit at the negotiating table and discuss peace. A UN resolution did not mean one did not sit and talk and negotiate and reach understandings. He would

like the Secretary-General, the Personal Representative and his colleagues to emphasize to the Iranians that that was the only way to reach the implementation of the resolution. In that regard he had made suggestions for a number of meetings with the Iranians, under the auspices of the Secretariat, and those suggestions were in the context of the letter of the Secretary-General of 8 August. He had proposed meetings on the expert level between the two sides to take place to reach common understandings about the various elements of the resolution. Out of sincerity and real wishes for peace, he had even suggested that the meetings take place in Tehran and Baghdad. He hoped that those suggestions would be conveyed to the Iranians and reported to the Secretary-General. He also hoped when the positions of both sides were reported to the Security Council, that position would be put on record (i.e., the proposals about the meetings) if there were to be a full record of the positions of the two parties.

Ambassador Al-Qaisi then commented on the observations on paragraph 6 saying that he had noted that when listing the concrete issues and when coming to the provisions of paragraph 6 the language that had been used had seemed to him to be incomplete in light of the resolution. He wondered why, for instance, the word "exploring" had been left out.

The Personal Representative said he had thought that the use of the words "question and entrusting" also implied exploring.

To a question of whether the provisions had been listed in chronological order, the Personal Representative replied that the order that had been used was that of the resolution itself. The Minister noted that he had understood that to be the case.

Ambassador Al-Qaisi, reverting to his question on paragraph 6, wondered why it has been preferred to imply rather than spell out the wording, and the Personal Representative said that it could be put on record that his own definition of "question and entrusting" included the "exploring" of the possibilities.

The Personal Representative then thanked the Minister for his comments, which he had noted very carefully. He would keep them in mind when he saw the Iranians and would report them to the Secretary-General.

At that stage of the visit he said he would like to thank the Minister warmly for the hospitality that had been extended to him and his colleagues. It had been a fine experience and it had been very good to devote so much of one's time to one subject. He had enjoyed meeting and talking with the people on both sides and had heard many expressions of the desire for peace. When in the area, one knew it was not a matter of theory but one of reality. The visit to the area had made all the efforts that had been made so far more meaningful.

The Minister said that it had been a fact during the years of conflict that both the Government and the people of Iraq had spoken the same way about peace. His Government had encouraged the UN to make peace, as had its ordinary citizens. He thanked the Personal Representative for all the efforts during his painstaking mission and spoke of the difficult trip and long meetings. However, it had been very useful, and from the beginning he had encouraged the idea. Although they had not been able to reach an agreement with the Iranian side on matters he had hoped one would reach agreement on, at least through the good offices of the Personal Representative and his colleagues the extensive and concrete positions of both sides about the essential issues had been carried to each side. Iraq had not been able to do that in the past because there had not been a chance for real direct talks. Since April, Iraq had not seen the Iranians, so he was especially glad that the visit had enabled him to convey through the Personal Representative to the Iranians what he had felt about the essential issues that had to be agreed upon in order to reach peace and the implementation of the resolution.

The meeting then adjourned at 22.40 hrs.

* * *

As the Minister was leaving the room he noted a recent demobilization report of his Government in which it was indicated that the number of people disbanded since the beginning of the demobilization process until 31 August 1989 had been 253,000.

OBSERVATIONS BY THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL ON THE PRESENT STATUS OF AND FUTURE
REQUIREMENTS FOR THE FURTHER IMPLEMENTATION OF
RESOLUTION 598

Your readiness to hold in depth dialogue on all proposals that are presented to you is indeed welcome. In this spirit I know you will be ready to listen to my observations.

These observations are based on an assessment of the progress achieved in the process towards reaching a common understanding on the provisions of resolution 598 and the procedures and timings for their implementation. This assessment is made in the light of all the work done in the past months, including the efforts in the course of my present visits to the region. My observations address 1) the general concept of the implementation of resolution 598; 2) the concrete issues to which this general concept applies; and, finally 3) the further steps in the process towards practical implementation of the issues in accordance with the general concept.

I

(General concept of implementation)

Resolution 598 needs to be implemented as an integrated whole. Some provisions are urgent and some may take longer to implement. However, though all the elements do not require the same amount of time to be implemented, there is a concurrent need to assure each side of the other's firm commitment to the full implementation of the resolution. Such assurances should be given in a manner that would lay the foundation for the establishment of peaceful and good-neighbourly relations between Iran and Iraq and stability and peace in the region.

II

(Concrete issues falling under the concept of implementation)

In the light of the provisions of resolution 598, all talks with the parties and all suggestions made by the Secretary-General, the concept of implementation applies to the following issues:

- Further arrangements relating to the cease-fire as per Annex I.
- The withdrawal of all forces to the internationally recognized boundaries without delay and its verification, confirmation and supervision by the United Nations.
- Freedom of navigation on the high seas and in the Strait of Hormuz.

- The release and repatriation of prisoners-of-war without delay in accordance with the Third Geneva Convention of 12 August 1949.
- Mediation efforts by the Secretary-General to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles of the Charter of the United Nations. Clearance of the Shatt-al-Arab with a view to the restoration of its navigational use for the benefit of the two parties.
- The question of entrusting an impartial body with inquiring into responsibility for the conflict.
- Assignment by the Secretary-General of a team of experts to study the question of reconstruction.
- Examination by the Secretary-General, in consultation with Iran and Iraq and with other States of the region, of measures to enhance the security and stability of the region.

The timing and the structural relationships among the various elements are of particular significance if the integral nature of the resolution is to be preserved. The relationships among the various elements would thus be clarified.

III

(Further steps in the process towards practical implementation of the issues in accordance with the general concept)

The process of direct talks between the Foreign Ministers of Iran and Iraq under the auspices of the Secretary-General has been recognized as the appropriate vehicle for developing common understandings on the implementation of resolution 598. Such talks, appropriately structured, should enable the finalization of all understandings on the concrete issues with a view to implementation in accordance with the implementation concept to which I referred earlier.

It is my intention to advise the Secretary-General not least on the basis of these intensive consultations which have now taken place to pursue his efforts by indicating to the parties, at the most appropriate time, the concrete manner in which the substance, timing and structural relationships of the issues could be finalized for implementation.

It would be in contravention with the spirit of resolution 598 if its implementation were to be carried out in a way that would contain the seeds for further confrontation. Accordingly, the following considerations will be scrupulously taken into account.

- 1) The general concept of implementation of resolution 598 set out above.
- 2) The legitimate concerns expressed by the two parties.
- 3) The requirements and expectations of the Security Council and the membership of the United Nations.
- 4) The principles of the United Nations as contained in the Charter and general principles of international law.
- 5) The overall requirement that durable peace and good-neighbourly relations be established between Iran and Iraq and that stability and security prevail in the region.

In this context, the Secretary-General would also consider the requirement of formalization of all understandings and assurances.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyans
Mr. Liden

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF IRAN

(held in Tehran, on 14 November 1989, at 16.00 hrs)

In attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Ali Akbar Velayati
Foreign Minister of Iran
H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
H.E. Mr. Sirous Nasser
Permanent Representative of Iran
to the United Nations in Geneva
H.E. Mr. Javad Zarif
Deputy Permanent Representative of
Iran to the United Nations in
New York
Mr. Taremi
Coordinator, 598 Secretariat
Mr. Adubibi
Notetaker

The Foreign Minister welcomed the Personal Representative and his colleagues on their return to Tehran and spoke of the "physical and spiritual stress" that the party must be feeling. He thanked them for the sincere efforts that had been made. Regardless of the degree of success, the sincerity was in itself a cause for gratitude.

The Personal Representative thanked the Minister for his warm words of welcome and encouragement. He said the task was not an easy one. There had certainly been many obstacles in the course of the trip and his task was to try to help the parties to remove them. The advantage of such a trip was the possibility of devoting oneself "150 per cent" to one issue. There had also been the opportunity for direct contact with the citizens of both countries as well. It was clear how deep the longing for peace was among them. He expressed the Secretary-General's gratitude for the very positive news about Iran readiness to improve the movements of the UNIIMOG operation. That was a very important step which would be deeply appreciated not only by the Secretary-General, but by the people directly concerned.

The Foreign Minister said he or his colleagues would be happy to receive Gen. Jovic and to solve any problems UNIIMOG might face in the future. The President had given instructions to army personnel to facilitate matters, and he personally had spoken to the person in charge of such functions, who had confirmed that the President's order had been received.

The Personal Representative then reviewed the meetings that had been held in Baghdad. He had presented the Iranian views and had received Iraq's reaction. He mentioned the operational observations he had presented on the current status of the talks which he would also impart to the Foreign Minister the following day. He then presented the Iraqi views he had received the day before, which he would paraphrase:

Iraq had said that its desire to establish a comprehensive and lasting peace with Iran and in the region, as well as its desire to establish good-neighbourly relations with Iran on the basis of recognized principles of international law, was a firm and openly stated principle that had been emphasized by Iraq.

Iraq accepted resolution 598 as an integrated whole, and understood the resolution as a peace plan. Any plan, any approach which did not guarantee the implementation of the resolution within the framework of the process leading to a comprehensive and lasting peace, was a suspect approach.

The 8 August letter was to be honoured in letter and in spirit. Direct talks was a natural way to implement resolutions of the Security Council and to achieve peace. Iraq wondered why Iran refused to hold real direct talks with Iraq under the auspices of the Secretary-General, while at the same it stated that it wanted good-neighbourly relations.

Iraq was ready to implement the resolution as soon as possible. Iran's claim that Iraq wanted to renegotiate the resolution was a false allegation. The reason behind that was probably that Iran wanted to evade direct talks. The two parties should sit at the same table for direct talks under the auspices of the Secretary-General in order to reach a common understanding on the provisions of the resolution and on their timing and procedure. Iraq acknowledged the role of the UN; Iraq was committed to the resolution and to the 8 August letter. Iraq had also emphasized that whatever agreement was reached should be guaranteed by the UN.

The issue of withdrawal, in Iraq's view, also covered the situation in the Shatt-al-Arab which currently was a no-man's land in which Iraq could not exercise its sovereignty. Differences between the two parties pertaining to sovereignty, in Iraq's view, should be resolved "together at the same time". That was not a question of a deal; it was a principle. It was not a deal even

though such a concept was not acceptable in diplomacy and politics in the world today. The 1975 Treaty had restored territory (Zain al-Qaws and Saif Sa'd) to Iraq which Iran at the time had been occupying and where Iran had not recognized Iraq's sovereignty. However, those territories had remained under Iranian occupation. Iran also had resumed its interference in the internal affairs of Iraq and its supplying of the Kurdish insurrection. The Treaty had been abrogated, had been killed, by Iran, by its violations throughout the years. The Minister said he could provide several quotes of the Iranian Government during the period 1979 and 1980 to prove his claim.

In Iraq's view, all the sick and wounded and all the disabled POW's certified as such by the ICRC should be released and repatriated in accordance with the 1949 Geneva Convention. Iraq was ready to implement immediately the agreement on the release of the sick and wounded that had been reached with the ICRC and the parties in November 1988. Registration meant registration of all unregistered POW's, proportion should not apply and it should begin immediately with the ICRC. After completion of registration, the ICRC would determine the question of proportion. The concept of balance with regard to visits to the POW's by the ICRC could not be accepted. All POW's should be visited by the ICRC in a regular manner.

On paragraph 6 of the resolution, Iraq wanted to know how Iran intended to solve what it called the contradiction between the allegations by the two parties concerning the responsibility for the conflict on the one hand, and their desire to establish good-neighbourly relations in the future on the other.

In order to proceed with the implementation of the resolution in good faith and considering it as a peace plan, and in order to achieve good-neighbourly relations, both sides had to discuss such concerns sincerely and seriously. It was important to resolve contradictions in positions and to remove obstacles from the path.

Iraq had presented some rather concrete procedural proposals which the Personal Representative then outlined: Iraq was ready to hold in-depth dialogue on "all proposals or suggestions that are present". Each side should outline what it considered essential and urgent. Iraq was ready to meet on the level of experts, at the ministerial level, and did not exclude meetings at a higher level. Iraq wished to open the way for further opportunities for peace and to achieve further clarity on the question of "a package of which the Secretariat was thinking" and on the ideas of the Iraqi and Iranian sides. Iraq wished to prepare the political and psychological ground for a comprehensive settlement. Iraq proposed a continuation of the discussions in specialized committees on the level of experts from the two sides and representatives from the Secretariat to consider technical

aspects of the main issues. Meetings of the committees could be held in Baghdad and Tehran alternately, and they should finish their discussions within three months, each committee holding at least four meetings. Those meetings would be in preparation for a direct meeting between the two Foreign Ministers under the auspices of the Secretary-General. Iraq had emphasized the probability of a direct meeting later on in the presence of the Secretary-General, at a higher level, at a place and time to be agreed upon. The committees and the questions they would consider were the following: 1) committee on sovereignty over the Shatt-al-Arab; 2) committee on withdrawal; 3) committee on POW's within the framework of the Geneva Convention; representatives of the ICRC should actively participate in the talks 4) committee to deal with paragraphs 6 and 8 of the resolution; 5) committee to deal with paragraph 4 of the resolution.

In that connection there were two further comments at the end of the Foreign Minister of Iraq's statement on reconstruction and the disbandment of troops. On reconstruction, the Iraqi side thought the best first step should be consultations by the UN with potential donor countries; then one could consider further steps. On the disbandment of troops, the Foreign Minister had read from a Ministry of defence report that since the beginning of the demobilization process, 253,000 men had been demobilized up until 31 August 1989.

The Personal Representative explained that there had then been a break, and at a meeting later the same evening he had made some points of principle and had presented the UN's observations. He said he saw no need to go through the UN views that had been presented in those meetings other than to note that he had underlined the first duty of the Secretary-General, namely, to place all contributions he received from the parties within the context of his mandate which was to implement the resolution; nothing more, nothing less. It had been stressed that the framework provided by the resolution was the Secretary-General's only boundary and guidance. Accordingly, he could work only within that framework. The point had also been made that the role of the Secretary-General and the Personal Representative, as intended by the Security Council, was to provide good offices and not to be mailmen. He then had presented some observations to the Iraqis.

The Foreign Minister thanked the Personal Representative for his statement and for his scrupulous registration of the views of the other side and for the emphasis that had been placed on the role of the Secretary-General which was, in fact, the implementation of the resolution; nothing more, nothing less.

The Minister then referred to the meeting to be held the following day at which he would present his Government's views in detail. He wanted to note that during the three rounds of

discussions there were certainly contradictions to be found in Iraqi statements. He was sure that the Secretary-General and the Personal Representative would continue to work based on the mandate and within the framework of the documentation available that determined that mandate.

He then referred to a Voice of America report alleging that "someone close to the Personal Representative" had said there had been progress in the discussions. From the report the Personal Representative had given him, the only steps taken had been backward.

The Personal Representative said he had heard the same rumour, and the Foreign Minister clarified that the Voice of America report had indicated the source as saying that in the discussions with the Iraqis during the third round, there had been progress, particularly with regard to implementation of withdrawal.

The Personal Representative thought that report had come out on Monday, and at that stage he had only presented the views he had heard in Iran and had yet to hear the Iraqi views; thus the report could only be a fabrication.

The Foreign Minister commented that in his opinion it had been a trick the Iraqis had played so that if there were no progress they would be able to say that Iraq had been prepared for progress. It had been an Iraqi tactic in the past to give rumours to the international media in order to prepare the groundwork for what they wanted to do in the future. When Iran had investigated such reports they had always found that the alleged sources had known nothing about them.

The Personal Representative then referred to some other comments that the Foreign Minister of Iraq had made: implementation of the resolution was the basis for the work and the resolution should be seen as a peace plan. Iraq preferred to tackle all the issues in a direct and frank manner. Iraq had presented its contribution to the discussion out of sincerity and concern for the cause of peace and was willing to work together with the Secretariat and the Iranian side on the basis of proposals presented.

There was then a short discussion about the schedule for the next day or two and it was agreed to meet again with the Minister the next afternoon.

The meeting adjourned at 17.15 hrs.

JK/js

Orig : SG
CC : Ambassador Eliasson
M. Picco
Mr. Sommereyans
Mr. Liden
(with attachment)

NOTES OF THE MEETING OF THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL WITH THE FOREIGN MINISTER OF THE ISLAMIC REPUBLIC
OF IRAN

(held in Tehran on 15 November 1989, at 14.30 hrs)

In Attendance:

Mr. Jan Eliasson
Mr. Giandomenico Picco
Mr. Raymond Sommereyans
Mr. Anders Liden
Mrs. Judith Karam

H.E. Mr. Ali Akbar Velayati
Foreign Minister of Iran
H.E. Mr. Manucher Mottaki
Deputy Minister for International
Affairs
Mr. Mir Mahdi
Deputy Minister, Legal, Consular,
Parliamentary Affairs
Mr. Maleki
Deputy Minister, Research and
Training
Mr. Morteza Sarmadi
Deputy Minister, Public Relations
H.E. Mr. Sirous Nasser
Permanent Representative of Iran
to the United Nations in Geneva
Mr. Hossein Kazempoor Ardebili
Adviser, Ministry of Foreign Affairs
Mr. Hossein Taremi
Coordinator, 598 Secretariat

The Foreign Minister welcomed the Personal Representative and his colleagues, and said he was ready to continue meeting based on the UN proposals.

The Personal Representative first commented on that morning's visit to the Institute for International Affairs. He then asked if the Minister had any comments to give on the views that had been presented after the visit to Baghdad.

The Minister said that what had been presented by the Iraqis had gone totally beyond the framework of the resolution, the trip, and the agenda for the current effort. Therefore, he would have nothing more to say about it. Since the visit was about to conclude, and in order to assist progress in the work, the Minister said he would present some comments; he wished those comments, along with the views he had presented in the last meeting, to be reported in full to the Secretary-General and to the Security Council. The Minister then read from prepared remarks:

"We agree totally, and further we insist, that the UN act based on its mandate; and the boundary and guidance for the work is resolution 598. We also agree completely that the role of the UN is not that of a mailman or courier for messages between the two sides. You, on behalf of the Secretary-General, are responsible for bringing about the implementation of the resolution; and based on the text of the resolution, your role is much greater than that of mere good offices. You are responsible for clarifying non-compliance of either side in the implementation of the resolution. Therefore, there is a basic boundary for you which is the resolution itself. There is a secondary boundary, itself within the first boundary, which is not to permit delays in the implementation of the resolution; and the necessary tools to assure this have been provided to the Secretary-General by the resolution itself.

"The agenda of your trip, as you have officially announced, is paragraph 41 of the report of the Secretary-General to the Security Council. We repeat again that we accept this agenda based on the explanations that you presented. In order to ascertain the full implementation of what has been presented in this paragraph, we accept your position with regard to a recommitment to the Secretary-General on the integrated whole nature of the resolution with the endorsement of the Security Council. Your position that the implementation of paragraphs 6, 7 and 8 of the resolution is the responsibility of the Secretary-General is considered by us as something evident and logical, and we accept it. The Secretary-General can implement these paragraphs based on his text proposed in July and August 1988 on the timing and procedure. Paragraph 6 has special significance. The four-point plan of 1 October, which has been re-emphasized in paragraph 41, is accepted by us in its totality and with no change or discussion. We are prepared for this plan, which enjoys the support of the Security Council, to be immediately implemented. The urgency and the mandatory nature of withdrawal as the first step in the implementation of the resolution before a negotiated settlement, which has been reiterated in paragraph 41, is evident and clear and undeniable. We also accept the urgency of the exchange of POW's, and on this basis we have now accepted all of what you have presented within the framework of the agenda of the trip, and we are prepared for full and immediate implementation of what has been presented in this agenda.

"On the other hand, Iraq, as in the past, has provided no clear position on the agenda of the trip, which is the basis and the beginning of the work. On the contrary, it has presented comments which are completely outside this agenda and in contradiction to it. That Iraq had said that the two sides should present their immediate and essential (urgent) issues is in clear contradiction to the resolution and to paragraph 41 of the Secretary-General's report to the Security council. The urgency and the essential issues have been determined by the resolution and are reiterated in paragraph 41.

That Iraq says any proposal or suggestion that does not guarantee the implementation of the resolution in the framework of the process leading to peace is a suspect proposal, is tantamount to non-acceptance of your proposals and suggestions. Non-acceptance of the Secretary-General's proposals and suggestions is contrary to the letter and spirit of the resolution and even contrary to the letter and spirit of the 8 August letter. The Secretary-General is officially responsible to bring about the implementation of the resolution, and therefore naturally the contents of the 8 August letter, that is, common understanding on the provisions of the resolution and their timing and procedure, are embedded in his proposals. Direct talks is only a matter of form. We have so far had fifteen rounds of direct talks; and if the Secretary-General so desires, we can continue to have direct talks. It is meaningless to present a matter of form as a matter of principle and as a basis. Iraq should engage itself in substantive issues based on the agenda and should accept the proposals presented by the Secretary-General in order for there to be any hope for progress in the direct talks.

"That Iraq says it is prepared to implement the resolution as soon as possible is not enough. Everything is prepared for the implementation of the resolution; even all the texts and wordings have been carefully drawn up by you and have been proposed. Fifteen months after the cease-fire, mere talk on presenting positions regarding commitments to the implementation of the resolution is no longer enough. We should implement the resolution immediately and practically. The talk of Iraq on linkage between the Shatt-al-Arab and withdrawal is in clear contradiction to the resolution, and all the baseless comments that Iraq presents in this connection have no relation to the agenda and therefore have no place for presentation. This is beside the fact that the validity of the 1975 Treaty is a definite legal fact and can in no way be discussed or questioned.

"And now, in connection with what you have presented on paragraph 40, what Iraq has said on the repatriation of the sick and wounded was contrary to what you proposed and we have accepted. In this regard, you can continue your efforts and your consultations so that following an agreement practical steps can be taken. On the visits there is no problem with visiting all POW's, and we are prepared for that. But since in the present situation there is a complete lack of balance, we should proceed in a manner that balance would be met. On registration, what we presented is a practical proposal and is being proposed with the objective of assisting the implementation of registration. You yourself know very clearly that any other proposal can bring about difficult complications at this stage of implementation. To utilize the figures, the estimates of the ICRC, without any commitment to accept those figures and only for this particular purpose is a practical and a positive procedure.

"Once again we re-emphasize and also definitely accept that the objective is the implementation of the resolution. Peace and good-neighbourly relations are the result. The agenda is the implementation of the resolution. By now you have received our response to our positions on paragraph 41, the agenda of your trip. We are certain that in your report to the Security Council you will be frank, straightforward, and clear and will report the positions of the two sides on this paragraph as a whole and the proposals you have had within it in a clear manner.

"I would also like to declare an important position. We are prepared to implement all that has been presented in paragraph 41, and furthermore, beyond that, in order to help you and help immediate progress in the work, we are prepared that the withdrawal to the IRB and complete exchange of POW's start simultaneously and immediately. Before the meeting in New York with the Secretary-General, we hope that you will prepare the work in a manner that the implementation of the agenda, paragraph 41 can be finalized."

The Personal Representative thanked the Minister for his comments and then asked for a short break so that he and his colleagues could have an opportunity to review the Minister's presentation.

* * *

After a break of half an hour the meeting resumed at 16.00 hrs.

The Personal Representative said that of course he would report the Minister's comments in full to the Secretary-General. He was glad to note that the Minister had quoted what he himself had used in his response to the Iraqi side, namely, the strong stress that "the resolution is our boundary and guidance". It had been said by the Minister that the Secretary-General was officially responsible to bring about the implementation. As the Minister knew, paragraph 9 of the resolution "requests" the Secretary-General to keep the Security Council informed on the implementation of the resolution. He had noticed positively the characterization of the direct talks as only a matter of form; that would help future discussions on that subject.

On paragraph 40 of the report, he said that after the last meeting of the second round, he had informed the Secretary-General that according to his understanding, Iran would proceed with taking a first step with regard to the release of sick and wounded prisoners and would, at the third round, inform the Personal Representative of its timing. He asked if the Minister would be able to respond now.

On the other matters in paragraph 40, the UN side would summarize the points that had been made by both sides and inform the ICRC and ask it to be in contact with the sides. Of course it was the ICRC who had responsibility for implementation according to the Convention.

He had been glad that the Minister had noted that the agenda for the implementation of the resolution was paragraph 41, which was absolutely correct.

The Minister then asked whether, following the third round of talks in Baghdad, the Personal Representative was still confident that if Iran repatriated the first "batch" of sick and wounded, Iraq would do likewise.

The Personal Representative said he had concluded after listening to the Iraqi side that Iraq would respond if Iran took the first step; Iraq had not denied that.

The Minister noted that the Personal Representative's assurances was enough for him.

The Personal Representative then clarified that he could only report what he himself had said and what he had heard. He would hope the fact that the Iraqi side had not made any objection to his conclusion could be seen in that light. He had also spoken about the proportionality difficulty, and Iraq had said its views were in the same terms as the proportionality envisaged by the ICRC.

Mr. Picco further clarified that the matter had been specifically raised with the Foreign Minister of Iraq on two occasions. The first time, the Minister had stated: "We will respond". The second time, the description that the Personal Representative had just given would apply.

The Personal Representative commented that the Iraqi side had spoken critically about the approach of balance and had said it was an attitude to which it strongly objected. He hoped a step in that important humanitarian matter could be taken. "It would be the right thing to do".

The Minister thought the situation still seemed "a bit vague" on the matter. He would discuss it with his colleagues who would be in touch with the Personal Representative and his delegation; he hoped to communicate his Government's response before they left Tehran, for which the Personal Representative expressed his thanks.

Turning to other POW matters that had been discussed and about which there had been proposals in relation to informing the ICRC of the positions and the need for a follow up, the Minister said the UN had a general overview of the matter and should keep it under its own guidance. It was true that the ICRC had the responsibility, but there was also an overlap with the UN in the area of responsibility.

The Personal Representative said he appreciated the positive approach of trying to find a solution to the question of the release of sick and wounded prisoners. He was concerned that if one did not act now, the situation could worsen. With regard to the ICRC, he was glad the Minister had not equated overview with action, because the UN was not responsible for taking concrete steps in that area; that was for the ICRC. He undertook to be in contact with the ICRC not only because of paragraph 3 of the resolution but also because of paragraph 40 of the Secretary-General's report.

He then thanked the Minister for his comments which not only would be helpful for the work but would also fit in well with the thinking of the UN side. He then stressed the continuity of the effort: resolution 598, the implementation plan, the 8 August letter, the elements of the presentation of 1 October, subsequent concrete discussions, and paragraph 41, which in itself included all the preceding elements. In the spirit of that continuity and based on paragraph 41 he said he would like to make a few observations at the end of his visit. He recalled that he had told President Rafsanjani that he would "share the views on the work before us". The documents that had just been mentioned allowed him to make such observations. The Personal Representative then read out the attached observations on the present status of the future requirements for the further implementation of resolution 598.

The Personal Representative explained that the preceding text had been the same as the one that had been read out in Baghdad, and he would like to leave it with the Minister for his consideration. He hoped to remain in close contact and hoped the Minister would find an opportunity to visit New York, perhaps in mid-December. In an appropriate form, there might then be a meeting.

Continuing, the Personal Representative said he would discuss the matter with the Secretary-General and then see what practical steps could be taken. The Security Council had requested the Secretary-General to report on the status of his Personal Representative's trip and that would probably occur within the next week or two. He would take advantage of all that had been learned and would also hope that the objectives that had just been read out could be considered by the Minister.

The Minister thanked the Personal Representative for his statement and said of course he did not want to make comments before he had given it deep thought. He did say, however, that it seemed that both the Iranian side and the UN had taken steps backward to the beginning of their work due to the intransigence of Iraq. It was as though no serious steps or actions or comments had been made during the previous year. That was not to the benefit of peace. He hoped that the Secretary-General and the Personal Representative would think of a solution.

The Personal Representative stressed that the UN saw its primary responsibility and the basis for all its work in resolution 598. In the course of the past week, he had discussed issues which Iran itself had considered outside the context of the resolution. What had been necessary was to show the key role of the resolution and the need to move ahead with what Iran also wanted, namely, to provide the means to move towards the implementation of the resolution. The resolution was the basis, the documentation were the building blocks, and paragraph 41 was the philosophy. One was now moving to the step where the Secretary-General would consider what would be the most practical way to bring about the implementation. In the process, there would be close contact with the Security Council. The Secretary-General saw his role, not as a mailman, but as someone who sought to find ways to move the process forward. That was the main intention behind the effort: to move towards the practical steps of implementation. Iran itself had asked for further steps by the Secretary-General for the implementation, and he thought that what he was providing was the framework for that. Then it would be for the Secretary-General to decide. What he had just read out should be seen as the recipe. It had been meant as a positive contribution. The Minister might wish to refer, in that regard, to the integrated whole concept which the Iranian side had accepted.

The Minister commented that drawing up views, and making proposals, had already been done, but the bringing of matters into practice had yet to see movement. He thought one could say there had been progress only when a serious method for real progress had been put together.

Ambassador Nasser commented that when his Minister had spoken about moving backwards, it was because what was being suggested seemed to be a very wide framework of what later would lead to specific proposals. There already had been specific proposals with wording and texts ready for implementation. Those were based on an established framework. Thus, the situation seemed to have moved backwards.

The Personal Representative thought perhaps there was a misunderstanding. The four-point presentation of 1 October and paragraph 41 should be seen in the light of the general direction one was moving in. Those were concrete proposals still on the table. Reference had been made to all the suggestions on the concrete issues. Those were to be pursued, and particularly paragraph 41. He thought it was important at that stage to put the resolution in the center. The intention of his observations had been to make very clear that the resolution was the guidance and boundary. It was an important principle that no one should go outside the resolution. His observations had been made after the Iraqi proposals on procedure and other issues to which Iran had reacted strongly. They were the views of his delegation, and they would be given to the Secretary-General for his consideration.

The Minister then thanked the Personal Representative for his good intentions and efforts as well as those of his colleagues.

The Personal Representative underlined the active role of the Secretary-General. He thanked the Minister for his efforts on UNIIMOG and mentioned three items about which Gen. Jovic had inquired: 1) the possibility of the liaison offices accompanying UNIIMOG in separate cars, which would be in line with UN practice; 2) UN helicopters; 3) satellite communication equipment. He said the last two points had been mentioned in the Vadset report of August 1988 and had been reported to the Security Council. It would be helpful to have steps taken in those areas, and he hoped for the Minister's favourable consideration.

The Minister then discussed the problem of the liaison officers riding in the cars with UNIIMOG officers and said it might not be practical to change that. In fact, he thought that liaison officers riding together with UNIIMOG officers would facilitate the work.

The Personal Representative mentioned the possibility of the liaison officers perhaps sitting in the back seat, which would facilitate the practical details of the work, to which the Minister replied that that might indicate a lack of confidence which would not create a positive atmosphere. The Iranian liaison officer was like a guest. To go into such matters as where he would sit might create an emotional reaction which would be best avoided. What was needed was the development of better friendly relations. Mr. Sommereyns clarified that patrolling in separate vehicles was a matter of established UN principle, and the Minister commented that "no one can criticize us if we ask the people in the border area to sit together".

On the subject of helicopters, the Minister said he would be prepared to have observation by helicopters; whether they would be Iran's or the UN's was a matter for Mr. Mottaki to discuss.

With regard to satellites, Iran had said it was prepared to provide UNIIMOG with two satellite lines. However, UNIIMOG was insisting on independent satellite linkage. He wondered why that was necessary. Mr. Sommereyns commented that the UN satellite system required independent communications with the Secretary-General, and Mr. Picco added that such facilities already had been granted by the Government of Iraq. The Minister indicated that Mr. Mottaki would follow up and try to resolve the issue.

The Personal Representative then thanked the Minister and his colleagues for the excellent co-operation and the hospitality that had been extended to him and to his colleagues. He had very much appreciated the depth and sincerity with which the Iranian views had been presented, and he would take them very much into account when returning to New York and informing the Secretary-General. The greatest commitment was to the resolution and to take every step in the best possible way to bring about rapid implementation of it. That had been the aim of the trip.

The meeting ended at 17.00 hrs.

OBSERVATIONS BY THE PERSONAL REPRESENTATIVE OF THE
SECRETARY-GENERAL ON THE PRESENT STATUS OF AND FUTURE
REQUIREMENTS FOR THE FURTHER IMPLEMENTATION OF
RESOLUTION 598

Your readiness to hold in depth dialogue on all proposals that are presented to you is indeed welcome. In this spirit I know you will be ready to listen to my observations.

These observations are based on an assessment of the progress achieved in the process towards reaching a common understanding on the provisions of resolution 598 and the procedures and timings for their implementation. This assessment is made in the light of all the work done in the past months, including the efforts in the course of my present visits to the region. My observations address 1) the general concept of the implementation of resolution 598; 2) the concrete issues to which this general concept applies; and, finally 3) the further steps in the process towards practical implementation of the issues in accordance with the general concept.

I

(General concept of implementation)

Resolution 598 needs to be implemented as an integrated whole. Some provisions are urgent and some may take longer to implement. However, though all the elements do not require the same amount of time to be implemented, there is a concurrent need to assure each side of the other's firm commitment to the full implementation of the resolution. Such assurances should be given in a manner that would lay the foundation for the establishment of peaceful and good-neighbourly relations between Iran and Iraq and stability and peace in the region.

II

(Concrete issues falling under the concept of implementation)

In the light of the provisions of resolution 598, all talks with the parties and all suggestions made by the Secretary-General, the concept of implementation applies to the following issues:

- Further arrangements relating to the cease-fire as per Annex I.
- The withdrawal of all forces to the internationally recognized boundaries without delay and its verification, confirmation and supervision by the United Nations.
- Freedom of navigation on the high seas and in the Strait of Hormuz.

- The release and repatriation of prisoners-of-war without delay in accordance with the Third Geneva Convention of 12 August 1949.
- Mediation efforts by the Secretary-General to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles of the Charter of the United Nations. Clearance of the Shatt-al-Arab with a view to the restoration of its navigational use for the benefit of the two parties.
- The question of entrusting an impartial body with inquiring into responsibility for the conflict.
- Assignment by the Secretary-General of a team of experts to study the question of reconstruction.
- Examination by the Secretary-General, in consultation with Iran and Iraq and with other States of the region, of measures to enhance the security and stability of the region.

The timing and the structural relationships among the various elements are of particular significance if the integral nature of the resolution is to be preserved. The relationships among the various elements would thus be clarified.

III

(Further steps in the process towards practical implementation of the issues in accordance with the general concept)

The process of direct talks between the Foreign Ministers of Iran and Iraq under the auspices of the Secretary-General has been recognized as the appropriate vehicle for developing common understandings on the implementation of resolution 598. Such talks, appropriately structured, should enable the finalization of all understandings on the concrete issues with a view to implementation in accordance with the implementation concept to which I referred earlier.

It is my intention to advise the Secretary-General not least on the basis of these intensive consultations which have now taken place to pursue his efforts by indicating to the parties, at the most appropriate time, the concrete manner in which the substance, timing and structural relationships of the issues could be finalized for implementation.

It would be in contravention with the spirit of resolution 598 if its implementation were to be carried out in a way that would contain the seeds for further confrontation. Accordingly, the following considerations will be scrupulously taken into account.

- 1) The general concept of implementation of resolution 598 set out above.
- 2) The legitimate concerns expressed by the two parties.
- 3) The requirements and expectations of the Security Council and the membership of the United Nations.
- 4) The principles of the United Nations as contained in the Charter and general principles of international law.
- 5) The overall requirement that durable peace and good-neighbourly relations be established between Iran and Iraq and that stability and security prevail in the region.

In this context, the Secretary-General would also consider the requirement of formalization of all understandings and assurances.