

## CHAPTER I

### BACKGROUND

#### A. Background

Conflictual issues can be about economy, culture and values, or even a border dispute. Because of several issues triggering the conflict, and also several interests, the clash cannot be avoided. One of the biggest wars that can be was the Iraq-Iran war at 1980-1988. The war that was the results of ideological, economy and border disputes.

The Iran–Iraq War, also known as the Imposed War and Holy Defense in Iran, Saddām's Qādisiyyah (in Iraq), and the (First) the Persian Gulf War, started from September 1980 until August 1988. The war was conducted for eight years that makes the Iraq-Iran war famous as the longest war in the century.<sup>1</sup>

In 1980, the year when Iraq invaded Iran, it was becoming the greatest war in Middle East. This war brought the long history between both of those countries, which were related with border disputes, ideological influences, and economic goals. Iraq's invasion of Iran was supported by some conditions at that time. The first was the Iranian revolution; Saddam Hussein thought that it was the best time to invade Iran. Because of the unstable governmental condition of Iran, Saddam Hussein assumed that Iran would be easier to be defeated. The second reason was the fear of Saddam Hussein that Shi'a

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<sup>1</sup>Karsh, Efraim. *The Iran-Iraq War 1980–1988*. London: Osprey. 2002 p.7

revolution would spread in Iraq and it would make him be defeated from his governmental position as what happened to Shah Mohammad Reza Pahlevi. Saddam Hussein did not want Iraq's Baathist regime to become a theocracy regime.<sup>2</sup>

Many factors influenced the Iran-Iraq war. Shatt Al-Arab contributed to the hostility between them. Shatt Al-Arab as the head of the Persian Gulf is an oil producer for both countries. One of the events that must be underlined is when Iran and Iraq signed the treaty that ended the border dispute to claim the territory of Shatt al Arab in 1937. Shatt Al-Arab was well-known as the territory that has linkage toward Ottoman-Persia that also conflicted who is the owner of that river. Like a flashback, the border dispute between Iran-Iraq came again as the reason to hold the war. They, Iran and Iraq tried to own the part of Shatt Al-Arab River called *Thalweq* or in other words the deep water line.<sup>3</sup>

The political condition under Saddam Hussein at that time was politically secure. That also caused the clash between Saddam Hussein and Ayatollah Khomeini, the leaders from Iraq and Iran, for maintaining their national interest. They tried to build their own nation to become the most super power countries in the scope of the Middle East.<sup>4</sup>

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<sup>2</sup>Karsh, Efraim. *Opcit.* p.7

<sup>3</sup>*Ibid.* p.7

<sup>4</sup>*Ibid.* p.14

Of course one of the states involved in the war must start to think about ending the war. The group is thinking that if the war is still being run, it is not giving any good advantage toward both of states. The damage was so big. So, it required a process to bring the two states involved war into one meeting to talk about peace or end the war. The process is called a peace process.<sup>5</sup>

As the effort of peace process in the case of the Iraq-Iran war, the United Nations came as a third party. The involvement of the United Nations had dominated in the case of the Iraq-Iran war. As the organization that has a mission to maintain international peace and security and to promote friendly relations between countries, they have responsibility to end this conflict. The United Nations basically can be described as an organization that is involved in several matters like international law and security, monitoring economic development, giving assistance toward politics and also upholding the value of human rights.<sup>6</sup>

The function of the third party in conflict, as we know, is playing role as the mediator to find the solution for the two actors that are involved at the conflict. In this way the United Nations try to find the solution to the conflict with Resolution no 598. This resolution initiated the peace process in conflict of the Iraq-Iran war.<sup>7</sup>

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<sup>5</sup>Karsh, Efraim. *Opcit.* p.14

<sup>6</sup>*Ibid.* p.14

<sup>7</sup>*Ibid.* p.14

Resolution 598 was released by the United Nations Security Council (UNSC) on 20 July 1987. In the resolution the Council expressed its concern that, despite its calls for a ceasefire, the conflict between Iran and Iraq continued with heavy loss of life and material destruction. Problematic also was the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of Chemical Weapons by Iraq contrary to Iraq's obligations under the Geneva Protocol that had been signed in 1925.<sup>8</sup>

From the Resolution that was produced by the United Nations, which is Resolution number 598, the war between Iraq and Iraq was ended. Several agreements in Resolution number 598 achieved a ceasefire process. From the point of view of the compliance bargaining mechanism we can see the effect after the agreement and also analyze the UN resolution number 598 regime that successfully ended the Iraq-Iran war in 1988.

#### B. Research Question

How did the mechanism of compliance bargaining in the UN Resolution 598 regime end the Iraq-Iran war in 1988?

#### C. Theoretical Framework

To answer the research question above, the writer used compliance bargaining theory. This theory is the best at describing and analyzing this case and in the end will answer the question.

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<sup>8</sup>Karsh, Efraim. *Op cit.* p.14

## 1. Compliance Bargaining

The process of bargaining which is conducted between the people who signed the agreement was already concluded or in other cases when it involves the international organization that make terms and obligations in the agreement.<sup>9</sup>

The bargaining process in compliance bargaining includes the acceptance from the actor of conflict. The acceptance is coming from a general framework that had been made, with the contents that included specific ways to proceed. The way to make a peace settlement is also conducted in compliance bargaining as the side that takes care of the rules.<sup>10</sup>

Talking about balance commitments in compliance bargaining, we can say that it is between the guardian of the agreement and violators or potential violators. From the point of view of the guardian of the agreement, the commitment is designed to increase the cost of violation. There is a threat of sanctions if the commitment is broken according to the guardian of agreement. On the other side, coming from the view of violators, the commitment is designed to increase costs for the guardians by threatening the future negotiations.<sup>11</sup>

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<sup>9</sup>Jonsson, Christen and Jonas Tallberg. *Compliance and Post-Agreement Bargaining*. European Journal of International Relations Vol. 4. 1998. p. 378

<sup>10</sup>*Ibid.* p.378

<sup>11</sup>*Ibid.* p.378

The different perspective of the guardian of the agreement and the violators gives each a different bargaining power. International institutions, or in other words third parties, that are involved in the post agreement negotiations also play a role as a judge or mediator. With the authority that international institutions have, they also have bargaining power in a post agreement phase.<sup>12</sup>

One of the approaches to compliance bargaining, called the management school, explains that the agreement will be conducted well if any organization that is called an "external enforcer" can give sanctions if the actors do not apply the agreement, according to Tallberg.<sup>13</sup>

Compliance bargaining has four important components or distinctions in this definition, which together capture the essence of compliance bargaining. The first is about a wider concept than the old negotiation process. The second is about the negotiation process, which is characterized by a continuous process, not a static process. The third is that compliance bargaining is conducted in the post-agreement phase, which means it needs to take place after the agreement and is concerned about the terms and obligations coming from what had been signed, rather than further questions that might make the running of negotiations too slow. And also the fourth is that the forms of compliance bargaining might

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<sup>12</sup>Chayes, Abraham and Antonia Handler Chayes. *On Compliance. International Organization* vol 47. 1993. p178

<sup>13</sup>Jonsson, Christen and Jonas Tallberg. *Opcit.* p 378

be divided into two different forms, depending on the structure of interaction.<sup>14</sup>

To figure out how the theory works in a system, this is the scheme that illustrates the theory and the application of the theory:



Started at compliance bargaining, the process negotiation is conducted between two signatories of agreement. In this case, we can say the signatories are Iran and Iraq. The agreement that had been signed is UN Resolution 598. When the negotiation between signatories is agreed to conduct the implementation, the process of compliance is successful.

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<sup>14</sup>Chayes, Abraham and Antonia Handler Chayes. *Opcit.* p 378

After the conduct of compliance bargaining, we move to the other phase called the management approach. In the management approach, the implementation process of compliance bargaining that is already agreed by two signatories is explained in very detailed steps. In this case of the Iran Iraq war, the process of disarmament, reconciliation after war and normalization process is explained in every detail. So, there is no confusion after the agreement is already agreed by two signatories.

Next at the phase of application theory in the case of the Iraq-Iran war, the writer uses the regime dynamics in a post agreement framework. This framework is divided into two poles. The first pole is the international regime and the second pole is the domestic regime. In line with the implementation of compliance bargaining in UN Resolution 598, the international and domestic regimes are managed in very detailed steps. International regime explains the implementation regime at the international level like the comprehensive disarmament, making an assistance in road map of reconciliation with the United Nations Iran Iraq Military Group (UNIIMOG), ending the border dispute with dispute settlement and also with the assistance coming from UNIIMOG make a comprehensive normalization after the Iraq-Iran war. On the other hand, domestic regime explains about ratification negotiation, rule making negotiation and last but not least negotiation concerning monitoring, reporting and enforcement.



Compliance bargaining has a big influence in several major areas because it makes a clear distinction with the pre agreement that had been made before. The first fact is the compliance bargaining that has been conducted is only focusing on "getting it done" as opposed to "getting to yes". Finding common ground and achieving consensus among nations are the difficult tasks of identifying the necessary trade-offs according to the principal activities that occupy pre-agreement negotiators. The broad framework to make it agreed is already made by pre-agreement negotiators, but the mistake is they often shift the burden of some difficult tasks to the post agreement period. The process forgotten by the pre-agreement negotiators is about devising implementation processes, procedures, rules and standards. On the other hand, it also mentions building an institution and approach to make an implementation by enforcing the impact toward the actors of conflict.<sup>15</sup>

It is also important to discuss regime dynamics when we explain about post agreement negotiation. Regime dynamics have a similar aim to conduct the way when it enters after the agreement phase. The definition of regime dynamics is a conceptual framework of regime dynamics and the post agreement negotiation process. Regime dynamics come to conduct the negotiation concerning monitoring, reporting and enforcement functions as a multiple negotiations process. Several processes of regime dynamics that have been mentioned are necessary to provide feedback to

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<sup>15</sup>Spector, Betram I and William Zartman. *Opcit.* p.55

national and international agencies. The process of reporting regime dynamics is conducted by third parties from NGOs or scientific groups. They also play a role as watchdog to view the agreement whether it is in line with the implementation procedures or not. The monitoring function by third parties produces the results in terms of improving and enforcing national compliance with the international regime.<sup>16</sup>

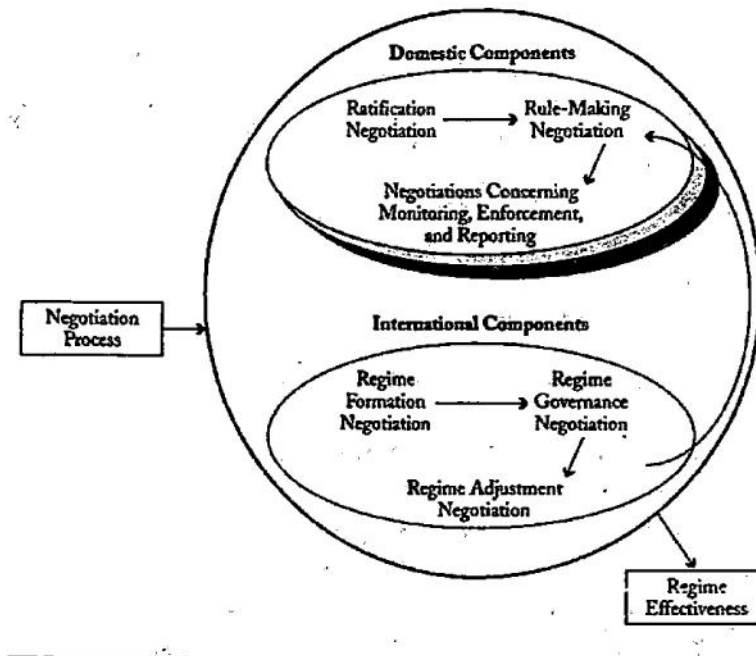
International components have three negotiation sub-processes. The first is about regime formation information that involves the implementation and institutionalization of the agreement that had been agreed before with some rules and procedures. The rules and procedures had been further elaborated through negotiation during the period of implementation. In the process of regime governance negotiation that includes international regime dynamics, it has an aim to monitor the compliance by all participants with enforcement, verification and rule implementation. The final process of international regime dynamics in adjustment negotiation is about the rules, procedures and targets that had been originally established in the negotiation regime. When the process is already conducted and there are any specific changes in the regime, the renegotiation process is allowed. If there is no significant change, some adjustments may be needed for proper domestic rule making.<sup>17</sup>

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<sup>16</sup>Spector, Betram I and William Zartman. *Opcit.* p.62

<sup>17</sup>*Ibid.* p.62

**Figure 1. Regime Dynamics in a Postagreement Negotiation Framework**



Spector, Betram I and William Zartman. *Getting it Done :Postagreement Negotiation and International Regimes*. 2003. United States Institute of Peace. p.63

To conduct a deep analysis, the writer also uses one of the models in compliance bargaining called the management approach. This approach is divided into three, (1) efficiency, (2) interest, and (3) norms. It cannot be assumed that any of these factors will automatically result in compliance. However, they make it easier for states to follow through on what they have already agreed.<sup>18</sup>

<sup>18</sup>Chayes, Abraham and Antonia Handler Chayes. *Opcit*. p.178

#### D. Hypothesis

According to the background of the problem and theoretical framework that has already been explained, we can make a hypothesis from the Mechanism of Compliance Bargaining in the UN Resolution number 598 regime to end the Iraq-Iran War 1988 in several points:

1. The mechanism of compliance bargaining in UN Resolution number 598 regime can work effectively because of the use of international post agreement negotiation processes such as comprehensive disarmament, road map of reconciliation, dispute settlement, and comprehensive normalization.
2. The mechanism of bargaining in compliance bargaining in UN resolution number 598 regime can work effectively because of the use of domestic post agreement negotiation processes such as ratification negotiation, rule making negotiation and negotiation concerning monitoring, enforcement, and reporting.

## E. Method of Research

This undergraduate thesis applies qualitative methods to explain the problems based on the data and information. There are three main steps that have to be conducted in qualitative research: data collection, data categorisation, and analysis.

### 1. Data Collections

The writer will collect the data through library research that is related with the problems and theory. The data will be coming from books, journals, articles, web publications and other resources.

### 2. Data Categorisations

As the result of data collection, it is found that the data cover very broad phenomena and topics. Thus, the writer will make a classification of the data in order to really understand those various facts and phenomena in an organised way. It will help the writer to be more focused in describing the phenomenon. When the data are being categorized, the writer can also produce a strong argument to support the data that had been collected.

### 3. Analysis

After the data are being collected and categorized, the writer will conduct the analysis using the theory that was already explained in the theoretical framework. From the analysis, using theory, a conclusion will be developed as the result of this research.

## F. The Range of Research

The writer will make a limitation in this thesis with regard to the scope of the term regime. Regime in this section has a meaning as a regulated system. In the other side, regime also can be defined as a pattern that starts from negotiation then moves into implementation and steps of application.<sup>19</sup>

The writer uses the definition of regime based on Robert Keohane and Joseph Nye to make a limitation for this thesis:

“regimes can be defined as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors expectations converge in a given area of international relations”<sup>20</sup>

This thesis also focused on compliance bargaining method that reflects in the year of 1988 when the resolution has been initiated.

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<sup>19</sup>Kuhn, Thomas. *The Structure of Scientific Revolutions*. Chicago: University of Chicago press. 1962

<sup>20</sup>Keohane, Robert O and Joseph S. Nye *Power and Interdependence*. Boston. Little Brown. 1977

## G. The Structure of the Thesis

1. Chapter I: Examines the background, research question, theoretical framework, hypothesis, method of research and system of writing
2. Chapter II: Explains the dynamic of the United Nations role in the settlements of international conflict
3. Chapter III: Explains the dynamic of conflict in the Iran-Iraq war 1980-1988
4. Chapter IV: Analyzes the effectiveness of UN Resolution no 598 through Compliance Bargaining to end the Iran-Iraq war
5. Chapter V: Figures the conclusion coming from Chapter I until Chapter IV