

CHAPTER IV

THE EFFECTIVENESS OF UN RESOLUTION NO 598 THROUGH COMPLIANCE BARGAINING TO ENDED IRAN-IRAQ WAR1988

At the process, sometimes the third party has important role to help to end the conflict. It does not support one of the actors that are involved in the conflict. Or in other words, they try to accommodate the interests coming from two actors that are involved in the conflict in order to get peace. In the case of the Iraq-Iran war, the third party comes from the United Nations. The worldwide peace organization comes to conduct the peace process through negotiation.

Of course, the peace process that was needed to end the war between Iran and Iraq did not happen easily. After the peace process was happened, there were some wars that happened because the interest from the two actors was still unaccommodated. One of the parts of the war was categorized as operation or in other words called repressive way. The peace soldiers came to fight with the soldiers coming from two actors of conflict. The soldier used arms when they conducted a repressive way. But then, this way was only triggered the conflict into a bad condition.

In mid 1988, eight years after the war had started, the two actors Iran and Iraq became tired of the conflict. Ayatollah Khomeini appointed Hashem Rafsanjani as the Supreme Commander of the Armed Forces. on the other side, Saddam Hussein also appointed Akbar Rafsanjani as the

Commander in Chief¹. The threats of Saddam Hussein as the leader of Iraq toward Ayatollah Khomeini dealt a “blow” to Iran. Hashem Rafsanjani asked the Commander of Chief on behalf of Iran and tried to persuade Khomeini to sue for peace.² He thought that if the war was still being conducted, it gave a disadvantage for Iran itself. The disadvantage was about the loss in material. The cost was so expensive if the war was continued.

A. The Coming of the United Nations Resolution no 598

As the effort of the peace process in the case of the Iran Iraq war, the United Nations came as the third party. The function of the third parties in conflict, as we know, is to find the solution for the two actors that are involved in at the conflict. So the United Nations tried to find the solution from the conflict by issuing resolution number 598. This resolution was how the United Nations initiated the peace process of the Iraq-Iran war.

Resolution number 598 was released by the United Nations Security Council on 20 July 1987. The content of resolution in short was that the Council expressed its concern that if the conflict between Iran and Iraq continued it would give a big loss for them. Both of Iraq and Iran civilians also get the bad impact. The violation of international humanitarian law and other laws of armed conflict, and, in particular, the

¹Dodds, Joanna; Ben Wilson. *Opcit.*

²Karsh, Efraim. *Opcit.* p. 1-8, 12-16, 19-82.

use of Chemical Weapons by Iraq were contrary the 1925 Geneva Protocol.

In point of view coming from the United Nations itself, the ceasefire was the best solution to end the conflicts that happened between Iran and Iraq. The UN, especially, the United Nations Security Council was concerned about the importance of international peace, security and justice. So, in the process of getting peace, also figuring in resolution number 598, the UN was ready to give assistance toward the two actors in the conflict for upholding the peace process.

B. The Effectiveness of UN Resolution no 598

With the issuing of United Nations Resolution no 598, we can analyse how it became effective to end the war. As a tool to analyse, the writer uses one of the theories in conflict resolution which is called compliance bargaining. The management model is the way to be more specific to conduct the analysis for this case.

It is important to analyze the regime that was running at that time. The writer prefers to use the model of post agreement regime dynamics as the tool to analyse the effectiveness of Resolution 598 regime.

Figuring on the table at the chapter I, this regime dynamics is divided into two groups. The first group is the international components and the second one is domestic components. In every component of regime dynamics, it is still divided into specific terms that makes the post

agreement negotiation effective. In the domestic post agreement process, there are 3 terms that make it specific. These are ratification negotiation, rulemaking negotiation and negotiations concerning monitoring, enforcement, and reporting. On other side, international post agreement processes divide their components into regime formation negotiation, regime governance negotiation and also regime adjustment negotiation.

In order to make this analysis coherent, the writer decides to categorize the analysis into four parts to work out how the steps of UN Resolution no 598 became effective to end the war. The parts are, first, the international post agreement negotiation process which include disarmament process (this is concerned with the process), reconciliation (how the scheme can work), dispute settlement (the conduct to end the border dispute as one of the reasons Iran and Iraq are involved in the conflict), and also the normalization process (how the ideological conflict between Iran and Iraq was ended and the relations became normal). The second one is about domestic post agreement negotiation process. In the addition to strengthening the argument, the writer adds the content of Resolution 598 which shows its effect in ending the war.

B.1 International Post agreement Negotiation Process

B.1.1 Comprehensive Disarmament

The conduct of disarmament in the Iraq-Iran war was started by Saddam Hussein, who sent a warning to Khomeini in the middle of 1988. Saddam made the warning by threatening Iraq would launch a full-scale invasion and attack Iranian cities with weapons of mass destruction. Shortly afterwards, Iraqi aircraft bombed the Iranian town of Oshnavieh with poison gas, which immediately killed and wounded over 2,000 civilians. The chemical war was used because the two actors tried to compete in this sector. Thus, the urban population in Iran must be evacuated from their residences. The fear coming from Iranian people grew and they were afraid of the effect of chemical war. Meanwhile, Iraq continued to send their bombs and missiles to attack Iran. Iran did reply with missile and air attacks as well, but it was not enough to prohibit the Iraq attack.³

The conduct of war was before the actors decided to agree with the disarmament proposal by the United Nations were happened when Iran under Ali Akbar Hashem Rafsanjani. He took revenge to Iraq. Akbar Rafsanjani ordered the Iranians to retreat from Haj Omran, Kurdistan on

³*The Combination of Iraqi offensives and Western intervention force Iran to accept a cease-fire: September 1987 to March 1989". The Lessons of Modern War – Volume II: Iran-Iraq War. Center for Strategic and International Studies.*

14 July. As the consequence of the revenge conducted by Iran, the military of Iran inside the Iraq territory had largely disintegrated. Iraq put up a massive display of captured Iranian weapons in Baghdad, claiming they captured 1,298 tanks, 5,550 recoil-less rifles, and thousands of other weapons. The result was Iran successfully took revenge on Iraq in a very complicated chemical war. However, Iraq and Iran had taken losses. They get massive spending on conducting the war and started to think of ending the war by accepting the UN disarmament proposal in the Resolution 598.⁴

Because of the complicated situation after the chemical war and also its serious impact on the people and economy, the leader of the war in Iran Ali Rafsanjani tried to persuade the president of Iran Ayatollah Khomeini to accept the disarmament proposal that was proposed by the United Nations in Resolution 598. They stated that in order to win the war, Iran's military budget would have to be increased by 700% and the war would last until 1993.⁵ Even Resolution 598 would not give all Iran wants, but Ali Rafsanjani thought that it was the best proposal so far rather than anything else. It is important to Iran to accept Resolution 598 because if not Iraq would occupy the Iran border like the previous agreements. On 20 July 1988, Iran accepted Resolution 598, showing its willingness to accept a disarmament proposal.⁶ A statement from Khomeini was read out in a

⁴ Dodds, Joanna; Wilson, Ben. *Opcit*

⁵ *Ibid.*

⁶ Karsh, Efraim. *Opcit.* pp. 1-8, 12-16, 19-82.

radio address, and he expressed "deep displeasure and reluctance about accepting the ceasefire":

*Happy are those who have departed through martyrdom. Happy are those who have lost their lives in this convoy of light. Unhappy am I that I still survive and have drunk the poisoned chalice...*⁷

Though it was hard for Iran to accept the disarmament, the bravery of the Iranian people to end the war must be appreciated. The heavy losses of Iran and also the worsening economic condition had led the government of Iran to take a good decision for ending the war. Reflecting on disarmament proposal that was proposed in UN Resolution no 598, we can find point number 3, 5, 8 section 1 and 8 section 3.

Point 3 UN Resolution 598:

*"Deploing also the bombing of purely civilian population centres, attacks on neutral shipping or civilian air craft, the violation of international humanitarian law and other laws of armed conflict, and in particular, the use of chemical weapons contrary to obligations under the 1925 Geneva protocol"*⁸

The UN tries to emphasize the terms of review and assessment in the management approach of the compliance bargaining method. The point no 3 in UN Resolution 598 reflected the Geneva protocol which was conducted in 1925. The protocol were contained the Prohibition of the use of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare in the war. It was signed because the using of chemical and biological weapons in international armed conflicts was

⁷Bulloch, John and Harvey Morris. *Opcit.*

⁸United Nations Resolution 598

categorized as violation of humanitarian law.⁹ Thus, the United Nations, in their aim to maintain international peace and security, tried to get the actors of war, Iraq and Iran, to take a look back at the Geneva Protocol 1925. The use of chemical weapons in the Iraq-Iran war was contrary to the agreement that had been conducted before. The United Nations played a role to evaluate performance of the parties.

Point 5 UN Resolution no 598

“Determined to bring an end all military actions between Iran and Iraq”¹⁰

The United Nations used the terms adaptation and tension, which is reflected in the management approach. Of course, the war did not immediately end when the treaty was signed. It required adaptation in the process of understanding this point of resolution toward the two actors’ need.

Point 8 sections 1 UN Resolution no 598

“Demands that, as a first step towards a negotiated settlement, the Islamic Republic of Iran and Iraq observe an immediate cease-fire, discontinue all military actions on land, at sea and in the air, and withdraw all forces to the internationally recognized boundaries without delay”¹¹

In this point, the United Nations stated clearly that disarmament with discontinuing all military actions at sea and in the air and also withdrawing all forces was a first step to negotiate, the start to stop the

⁹League of Nations Treaty Series, vol. 94, pp. 66-74.

¹⁰United Nations Resolution 598. *Opcit*

¹¹*Ibid.*

massive killing. If Iran and Iraq are conduct the disarmament soon, the settlement will come sooner.

B.1.2 Road Map of Reconciliation

The reconciliation process between Iran and Iraq to end the war was started when both sides accepted the Resolution 598 that was proposed by the United Nations. After the successful disarmament, the military action reduced day by day. So, the situation became more peaceful. The tension was not high anymore. The process of reconciliation itself was under the third parties. With assistance coming from the United Nations, the process of reconciliation between Iraq and Iran are running in a detail. The United Nations Iran and Iraq Military Observer Group (UNIIMOG) were given a mandate from the UN to give assistance in order to make the reconciliation process between Iraq and Iran run well.

UNIIMOG had a responsibility to verify, confirm and supervise the reconciliation in the Iraq-Iran war after the disarmament process. The UNIIMOG was established on 20th August 1988.¹² The conduct of UNIIMOG itself had made the two actors of the conflict, Iraq and Iran, meet at one table and to discuss how the conflict should be ended. The condition of two actors could be discussed again in a good way. The relation between two actors was also held again after a long eight years war. It was proven by the representatives coming from Iraq and Iran who

¹²<http://www.un.org/en/peacekeeping/missions/past/uniimogbackgr.html> retrieved on 6th December 2013 02.58 p.m

were sent to the headquarters of the United Nations in Geneva, Switzerland to do a negotiation.

The United Nations Resolution 598 point 1, point 4, point 8 sections 2 and also point 8 section 7 reflected the management approach.

Point 1 UN Res 598:

“Deeply concerned that despite its calls for a ceasefire, the conflict between the Islamic Republic of Iran and Iraq continues unabated with further heavy loss of human life and material destruction”¹³

The United Nations as the mediator tried to give an example based on the war that caused a heavy loss of human life and material destruction. In this part, the United Nations used the good interpretation that could be understood by Iraq and Iran. It also clarified the meaning of war itself for all parties. If the Iraq and Iran still conducted the war the effect would lead to heavy loss.

When we look further into the reconciliation process, we can see that with a heavy loss experienced by Iraq and Iran, they needed reconciliation on how peace condition must be upheld. The health of people both in Iraq and Iran must be maintained by every sector, including the UNIIMOG that has a mandate coming from the United Nations itself. The relations between Iraq and Iran during the war were complicated. They must be bound again like before the war to make sure that the

¹³ United Nations Resolution 598. *Opcit.*

process of reconciliation running well. Iran and Iraq will get the consequence if they refused to made a reconciliation.

Point 4 UN Resolution no 598

“Deeply concerned that further escalation and widening of the conflict may take place”¹⁴

To be highlighted, in point 4 of Resolution 598 there is the words “deeply concerned”. This is the way of the United Nations to give understanding, again, through its resolution for Iraq and Iran to end the war. The United Nations give a “direct” reason towards the actors of conflict. Again, implementing a dispute resolution and interpretation of compliance bargaining are reflected on this point. The United Nations tried to give a deep interpretation for Iraq and Iran. At first, it was not easily accepted by the actors, but then, they were concerned about the possible widening conflict that will happen in the future.

When Iraq and Iran tried to understand each other, it was easier to reduce the tension of the conflict. In other words, from conflict resolution, the conflict was entering the de-escalation phase. Again, the coming of UNIMOG as the groups that are involved in as mediator in the name of the United Nations was important. The conduct of giving assistance and verifying is categorized in the management approach of compliance bargaining.

¹⁴ United Nations Resolution 598. *Opcit.*

Point 8 sections 2 of UN Resolution no 598

“Request the Secretary General to dispatch a team of United Nations to verify, confirm and supervise the cease-fire and withdrawal and further requests the Secretary-General to make the necessary arrangements in consultation with the Parties and to submit a report thereon to the Secretary-General”¹⁵

This is actually the point that made Resolution 598 run effectively.

This point made Iraq and Iran believe that when the process of reconciliation was conducted by the United Nations, there would be real action. It would not be a written agreement only. The United Nations successfully used one of their offices called the Secretary General to take part and conduct what actually must be done as peacekeeping agent. They built a body that verified, confirmed and supervised the cease-fire (in other words disarmament). The effort was actually conducted with the establishment of the United Nations Iran- Iraq Military Observer Group (UNIMOG). In addition, Iraq and Iran believed that the reconciliation process between them would run well because there was a party that gave them assistance. So, they did not run the reconciliation by themselves.

¹⁵ United Nations Resolution 598. *Opcit.*

Point 8 sections 7 UN Resolution 598

“Recognizes the magnitude of damage inflicted during the conflict and the need for reconstruction efforts, with appropriate international assistance, once the conflict is ended and, in this regard requests the Secretary-General to assign a team of experts to study the question of reconstruction and to report to the council”¹⁶

The words “reconstruction efforts” clearly stated that the needed of reconciliation process in the Iran-Iraq war was important. In line with the management approach in compliance bargaining, the process of reconciliation was arranged in detail. The detail in the reconciliation process was about appropriate international assistance that helped Iraq and Iran to conduct the peace process after disarmament was agreed. Again, appropriate international assistance was formed with the establishment of United Nations Iran Iraq Military Observer Group (UNIIMOG) that focused on giving assistance to compose reconciliation.

B.1.3 Dispute Settlement

The process to end the border dispute that happened between Iraq and Iran was not easy. Several processes were conducted to gain an agreement between them. A lot of meetings were conducted because Iran and Iraq had their own interest towards Shatt Al-Arab River. It was about the nature of the river itself as the place where everyone could pass and as the route to conduct sailing. Shatt Al-Arab also had a linkage with

¹⁶ United Nations Resolution 598. *Op cit.*

sovereignty, so the discussion between Iran and Iraq was conducted with thinking about national rivalries.¹⁷

The discussions still run because Iran did not accept the 1937 treaty. Iraq and Iran still had a long discussion about the border dispute. Finally in 1975, there was a new agreement that came to end the dispute. The agreement was known as the Algiers Accord. The treaty explains about recognition of straight lines closely with the *thalweg* (deepest channel) of the waterway, as the official border. During March, Iran and Iraq concluded a new river boundary agreement in Baghdad on June 13, 1975. In Article 1 it was declared and recognized:

*"The State river frontier between Iran and Iraq in the Shatt al-Arab has been delimited along the thalweg."*¹⁸

Of course, in the attempt to end the border dispute between Iran and Iraq, the United Nations is also involved. Reflecting on the proposal that was proposed by UN in Resolution 598 it's on the point number 6, 7 and 8 sections 4.

Point 6 UN Resolution 598

*"Convinced that a comprehensive, just, honourable, and durable settlement should be achieved between Iran and Iraq"*¹⁹

Border disputes between Iraq and Iran should be ended with comprehensive management to accommodate the interest coming from

¹⁷Potter, Lawrence G and Gary G. *Opcit.* p 51

¹⁸*United Nations Treaty Series*.vol. 1017 no. 14903.

¹⁹ United Nations Resolution 598

both actors. It was because the two actors had different interest. The word “honourable” that was chosen by the United Nations likely strengthened the argument that the object of border disputes, Shatt Al-Arab river was important for them and it was an honour for Iraq and Iran to have the territory that gave a good impact for developing their states.

Point 7 UN Resolution no 598

“Recalling the provisions of the charter of the United Nations, and in particular the obligation of all member states to settle their international disputes by peaceful means in such a manner that international peace security and justice are not endangered”²⁰

In this point, the United Nations tried to emphasize the need of every member state to take look back into the charter of the United Nations when they have border dispute problem. The obligation is on every actor that are involved in the conflict. Reflecting on this case, Iraq and Iran made that written agreement in the UN charter to discuss and produce a treaty. This is in line with this point on resolution 598 in the words of “to settle the international disputes by peaceful means in such manner that international peace security and justice are not endangered”.

B.1.4 Comprehensive Normalization

The normalization process is the process to repair the relations between Iraq and Iran. It is started by Iran’s acceptance of Resolution no 598 proposed by the United Nations. Iran’s acceptance of Resolution 598 was not tactical but this decision was important for Iran to keep their

²⁰ United Nations Resolution 598

revolution. Accepting the Resolution 598 indicated Iran was ready to end the war and enter the peace process.²¹

Relations with other states also needed to be repaired. In September 1988 Kuwait re-established diplomatic relations with Teheran. And after that, Bahrain and Iran agreed to upgrade diplomatic relations. This is important for the future of the state because after war, usually, the other states lose their acceptance and sovereignty because the war is full of violence and far from the norms.²²

Ideological conflict is also included in the process of normalization. As one of the reasons, ideological conflicts also trigger the war between Iraq and Iran. Iran represents Shia, and Iraq represents Sunni. In some resources, there are no specific words that mention the normalization process between Shia in Iran and Sunni in Iraq. But then, the Iraq-Iran war also reflects the dynamic that happens between Sunni and Shia. It is a political dynamic. In the end, as the coming of Resolution 598, the intention of ideological conflict between Sunni and Shia is decreased.

A peace agreement was signed from the Resolution 598, diplomatic relations was restored, and Iraq military withdrew from Iran's

²¹*GC-III-EN.pdf* document

²² Karsh, Efraim. *Op cit.* p.87

territory in 1990-1991. The UN peacekeepers withdrew from the border shortly afterward. Most of the prisoners of war were released in 1990.²³

The United Nations through its resolution also clearly mentions in the point of 8 sections 4 and 8 section 3.

Point 8 sections 4 UN Resolution 598

*"Calls upon Iran and Iraq to co-operate with the Secretary General in implementing this resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues, in accordance with the principles contained in the Charter of United Nations"*²⁴

Principal of management approach is reflected on this point with the command coming from the United Nations to call Iraq and Iran to cooperate with one of their subsidiary bodies, the Secretary General, and implement the resolution in order to achieve an honourable settlement for them. Two actors in this conflict, Iraq and Iran, must try to accept each other including understanding to uphold the values that are written in the UN Charter. Every process is conducted by design and detail so both actors can start to build their nation in peaceful condition.

²³Tarock, Adam. *The Superpower's Involvement in the Iran Iraq War*. 1998

²⁴United Nations Resolution 598. *Opcit.*

Point 8 Section 3 UN Resolution 598

*"Urges that prisoners-of war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949"*²⁵

The United Nations proposes this point in the resolution and it is based on what happened in the Iraq-Iran war that reflected the third Geneva Convention of 12th August 1949. This clearly stated the case in article 13, 14 and 15.²⁶ Article 13 is about humane treatment of prisoners:

*"Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest."*²⁷

On the behalf article 14 in the same treaty mentioned respect for the person of prisoners:

*"Prisoners of war are entitled in all circumstances to respect for their persons and their honour."*²⁸

Also article 15 mentioned maintenance of prisoners:

*"The Power detaining prisoners of war shall be bound to provide free of charge for their maintenance and for the medical attention required by their state of health"*²⁹

²⁵ United Nations Resolution 598. *Opcit*

²⁶ *GC-III-EN.pdf document.Opcit.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

B.2 Domestic Post Agreement Negotiation Process

B.2.1 Ratification Negotiations

This part concerns the formal acceptance of international negotiated agreements at the state level. These negotiations involve participation from various stakeholders, including government ministries and agencies, political parties, business, NGOs and the public. They usually take the form of both formal negotiations in institutional settings, such as in national parliaments, and informal negotiations and debates among the bureaucracy and in the public media.³⁰

Reflecting on the Iraq-Iran war, it is clearly stated in the process that Iran accepted the resolution 598 proposed by the United Nations. Ali Rafsanjani as the leader of military in Iran tried to persuade Ayatollah Khomeini to accept the proposal in the form of resolution 598. The Resolution 598 composed at the international level by the United Nations as the result of sharing ideas among the member states in the General Assembly and the Security Council. In this case the member states include the ambassadors of Iraq and Iran. The idea was not spontaneously accepted by Iran, as Iran considered the consequences for the nation if it would accept the Resolution 598. On behalf of Iran, the representative thought that the content of Resolution 598 represent the national interest. The specific consequence for Iran if it didn't accept the resolution 598 was

³⁰Spector, Betram I and William Zartman. *Op cit.* p 65

bigger loss. Iran would experience great loss in economic terms as the war had spent a lot of money. That idea reflected on the content of resolution 598 itself. Thus, Iran gave acceptance toward Resolution 598.

B.2.2 Rule-Making Negotiation

This process concerns the design and development of new or modified legislation, regulations, criteria, standards, and targets. In addition, formal participants are usually legislators and bureaucrats in government ministries and agencies who have the authority to make and change regulations. Other participants often get involved in influencing these negotiations, especially lobby groups representing business, political parties, NGOs, and the public.³¹

As the peacekeeping organization which has an aim to maintain international peace and security, the involvement of the United Nations shows its part to propose the new design of agreement as the effort to end the war. The new regulation had the intention to make linkages between Iraq and Iran for a discussion at government level. With the higher profile of the United Nations as a peacekeeping organization, it is proven effective to make both actors, Iraq and Iran, have confidence to make new regulations.

³¹Spector, Betram I and William Zartman. *Op cit.* p.65

B.2.3 Enforcement, Monitoring, and Reporting Negotiations

The method and approach for implementing the new legislation and regulations is the concern of this process. Many economic stakeholders often participate in these negotiations with national legislators and government officials. This is because these stakeholders are usually the parties that will have to change their behaviour in line with the new rules. The desired outcome for these negotiations is usually compliance with these new laws and regulations.³²

The establishment of the United Nations Iran Iraq Military Observer Group (UNIIMOG) was the implementation of enforcement, monitoring and reporting negotiations. UNIIMOG played a role as the body that conducted the enforcement, monitoring and reporting toward the running of Resolution 598. They conducted the negotiations at government level with several elements like ministers, NGOs and pressure groups. The negotiation was to make sure that Iraq and Iran agreed with the resolution and implement the point that has been agreed. Also, as the observer, UNIIMOG conducted the monitoring to see the impacts of Resolution no 598 in the Iraq-Iran post war period. In addition, as the body established by the United Nations, they also made a report that was visible for everyone and also reported in the meeting of General Assembly and the Security Council.

³²Spector, Betram I and William Zartman. *Op cit*. p.65