Chapter II

THE TANKER WAR, 1980-88

With Iran’s willingness, as of late 1988 and early 1989, to negotiate a ceasefire on the basis of UN Security Council Resolution 598, an initial conclusion might be that the end of hostilities in the 1980-88 Iran-Iraq war also ended US and European security interests in the Persian Gulf. France withdrew the aircraft carrier Clemenceau and other naval units in September 1988. The United States adopted a more wait-and-see attitude but also began to reduce its naval commitment by stopping convoying while remaining in the Gulf to provide a “zone defense.” Kuwai atankers’ “deflagging” began in early 1989, and in March 1990 the last US Navy minesweepers were brought home. “[R]eturn of the wooden ships was in response to a reduced mine threat and will not affect continuing... operations by US naval vessels aimed at maintaining freedom of navigation and the free flow of oil through the Persian Gulf,” a press release said in May 1990.

Despite these encouraging trends, that war’s end did not terminate security interests in the Gulf, particularly for the United States, Western Europe and Japan. The war was but a warmer chapter in the struggle of national security interests for control or influence in Southwest Asia and petroleum, that region’s vital resource. The Gulf area has a very large proportion of world oil reserves, about 54-60 percent. Two years later, the 1990-91 Gulf War between Iraq and the Coalition again demonstrated the relationship between oil and national security interests.

This Chapter begins with an historical overview, followed by analysis of great-power involvement, particularly that of the United States, in the Iran-Iraq war at policy and strategic levels.

This work cannot consider in depth other aspects of the war’s impact on other national security interests—e.g., the USSR incursion into Afghanistan, which Iraq condemned; a Soviet port arrangement with Syria in 1988; Iran-US bilateral relations from the Shah’s fall in 1979 through the embassy hostage crisis, which Iraq also condemned, to claims in the Iran-Contra Affair; the rise of Islamic fundamentalism, particularly in Iran; OPEC as an influence; the land war, with renewed use of poison gas and missile attacks on cities, despite international law to the contrary; or even an apparent shift in Soviet foreign relations at the time—all of which (and more) impacted the war and security interests in the Gulf. These additional factors are recited, without extended analysis, to confirm the point that national security interests in one vital area cannot be seen in a vacuum.

The opinions shared in this paper are those of the author and do not necessarily reflect the views and opinions of the U.S. Naval War College, the Dept. of the Navy, or Dept. of Defense.
Part A. Prologue

There have been many actors in the Persian Gulf: France, introduced to the Middle East in 1916 after the Sykes-Picot agreement, when Syria became a French mandate; Great Britain, whose influence dates from the early nineteenth century; Iraq, independent since 1932 after time as a British mandate and free of British influence since 1954, having been part of the Ottoman Empire before World War I; Iran, formerly Persia and more or less independent during the last two centuries; the United States, whose oil companies have had interests there during this century and which assumed the mantle of providing naval security when British forces withdrew in 1971; and countries that formed the Gulf Cooperation Council (GCC) in 1981, i.e., Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE). The UAE is a federation of the former Trucial States—Abu Dhabi, Ajman, Dubai, Fujairah, Ras-al-Khaimah, Sharjah, Umm-al-Qawain—and came into existence December 1, 1971, when Britain left the Gulf. Before World War I the Ottoman Empire was sovereign over some territories that became the GCC States, e.g., Saudi Arabia, while Britain was protector of others, e.g., Kuwait and the Trucial States.

1. The United Kingdom and France; UK Interventions and Reactions.

Britain's strategic interests evolved around oil and air routes to India; it dictated defense and foreign relations policy to Iraq and western shore Gulf States, later GCC members, except Saudi Arabia, which with Iran were always outside the UK orbit. Britain exercised considerable influence over Iran, however. In July 1946, for example, H.M.S. Norfolk and Wild Goose were ordered to Basra, Iraq, after the USSR-backed Tudeh Party fomented rioting at the UK-owned oil refinery at Abadan, Iran. In August 1946 UK troops landed in Basra. Although intervention in Iran was not necessary, the "eventual outcome was satisfactory to British interests and entailed a setback to the growth of Soviet influence" in Iran. On June 26, 1951 several Royal Navy warships were ordered to Abadan, Iran, to protect British subjects during a UK dispute with Iran over nationalization of an oil refinery; these ships conducted an evacuation October 3, 1951. In 1961 Britain landed Royal Marines and troops, with a naval concentration offshore, to help deter an Iraqi invasion of newly independent Kuwait. Arab League troops later replaced UK ground forces. Still later Iraq recognized Kuwaiti independence. For a century and a half, the Gulf had been a "British lake," but times were changing. France continued to have close ties with Iraq, however.

Evidence of the rise of other forces in the area was demonstrated in 1969 when Iranian warships successfully escorted an Iranian merchantman from Khorramshahr in the Shatt al-Arab to the Gulf, defying Iraqi threats to stop any Iran-flagged vessel from sailing through Iraq-claimed waters. In 1961 Iran had bowed to a similar
threat, but naval action now secured her purposes. As Iran perceived the Soviet threat diminishing to her north, she began to focus on her security interests in the Gulf. Iran began to assert offshore rights to areas where oil reservoirs were known to exist and pushed territorial sea claims outward into the Gulf. Eventually agreements were reached, except in the upper Gulf, where Iranian, Iraqi and Kuwaiti claims remained unresolved until 1975. After diplomatic interventions in London and a plebiscite in Bahrain overwhelmingly rejecting union with Iran, Iran dropped sovereignty claims to Bahrain. Saudi Arabia has asserted territorial claims to parts of Abu Dhabi, a UAE member, and Dhofar, part of Oman, and the Khufu strip, disputed with Qatar. Occasionally these disputes would spill over into adjacent Gulf waters, e.g., in 1968 when an Iranian gunboat approached and detained an Arabian-American Oil Company (ARAMCO) crew on an oil rig claimed to be on the Iranian side of waters said to be Iran's for oil exploitation under a Iran-Saudi tentative agreement.

2. The United States; Preliminary Gambits in the Gulf.

US interests began with oil investments in the area, particularly an exclusive concession in Saudi Arabia, later shared with the Saudis, that became ARAMCO. After World War II US and others' investments gave returns in billions of US dollars annually; US Gulf area concessions stood at half the total of arrangements there. In the 1970s, however, Saudi Arabia nationalized ARAMCO and other foreign holdings. Following on World War II cooperative arrangements, the United States built an airfield at Dhahran (1945-62) and homeported its minuscule Middle East Force, under US Central Command (CENTCOM) during the Tanker War, in Bahrain. Britain's 1971 withdrawal, while minimal in terms of UK security forces and interests, had a profound impact on western Gulf States:

[UK] withdrawal from the Gulf was more substantial in political terms since it necessitated the formulation of an independent political framework for the small emirates along the Arab littoral, but the real impact was ... psychological. Britain had served as judge, arbiter, administrator, and ... protector of this littoral for well over a century. Departure in 1971 was tantamount to removal of the safety net. ... Currents of nationalist and modernist sentiments and ideas had begun to circulate along the shores of the Gulf even before the influx of oil revenues.

Some local rulers did not favor UK withdrawal for the obvious reason of losing support, and perhaps to fend off neighbors. The United States did not rush into power the vacuum. Reeling from Vietnam and responding to a USSR-Iraq friendship treaty, the Nixon Administration developed the Twin Pillars policy of military assistance to Saudi Arabia and Iran to protect common regional security interests as part of the Nixon Doctrine. The United States would no longer assume direct responsibility for preserving
worldwide security but would strengthen regional actors to play a primary role in assuring stability. "Benign inaction" characterized US policy, 1971-79. The United Kingdom saw the Iraq-USSR treaty as more apparent than real, although France adhered to a view closer to that of the United States.

In the northern Gulf, there was no benign inaction. Iran-Iraq relations were strained, 1970-75, but in 1975 treaties to confirm land and water boundaries seemed to patch up differences. Thus matters stood until Iran's Shah fell in 1979. Perhaps an omen for the future had occurred in 1971, the day of British withdrawal, when Iran occupied Greater and Lesser Tunb islands belonging to the UAE's Ras Al Khaimah principality. That same day, pursuant to treaty, part of Abu Musa island, belonging to the UAE's Sharjah principality, was given to Iran for a military base in return for a grant to the Sharjah ruler. Sharjah and Iran would share oil concession revenues. All three islands lie at the mouth of the Gulf, near the Strait of Hormuz. Iraq retaliated against Iranian interests, and Libya retaliated against Britain, which did not intervene as in 1961.

3. The Soviet Union.

The USSR was seen as "eager to exploit the opportunities created by the . . . [1980-88] war [when it came] and the perception of faltering US interest to insert themselves into the Gulf—a region in which their presence [had] traditionally been limited and marginal." A Soviet naval flotilla had been on permanent station in the Gulf since March 1968, two months after the UK's notice that it was quitting the area. The USSR and Iraq had signed a Treaty of Friendship & Co-Operation in April 1972, but Soviet relations with Iraq, 1972-80, have been characterized as "cordial but far from a patron-client arrangement."

4. Worldwide Dependence on Persian Gulf Oil and Foreign-Flag Shipping.

This shift in political balances was accompanied by increasing worldwide dependence on Gulf oil and, for the United States at least, relying on lift of oil in ships flying other nations' flags. At the beginning of the Gulf War Europe imported about half of its oil (France, 70 percent; Italy, 60 percent; and other States smaller percentages). While US 1973-85 Gulf oil import percentages fell through efficiencies, domestic oil production peaked, and by 1985 US oil companies saw the United States in a dangerously vulnerable position vis-a-vis OPEC oil. Western Europe received 20-40 percent, and Japan about 60 percent, of its oil from the Gulf. By 1987 US dependence on Gulf oil had doubled from 1985, Western Europe's consumption of Gulf oil was about 33 percent of its total, Greece's was 50 percent, and Turkey's and Japan's nearly 66 percent. US domestic oil production continued to decline. Gulf States, particularly Saudi Arabia, had tremendous advantages in oil reserves and surplus production capacity. Saudi oil supplied half of France's needs, and other European States had large investments in the
country. When the war began Iraq supplied considerably more oil to Britain, France, Germany and Italy than Iran.\textsuperscript{58} Even at war's end, when oil-dependent countries had begun to tap other sources, the Gulf supplied a fourth of petroleum moving in international commerce. Thirty percent of Western Europe's, and 65 percent of Japan's, oil came from the Gulf. The United States was 50 percent dependent on foreign oil sources, but only 18 percent of that or 9 percent of total consumption, came from the Gulf.\textsuperscript{59}

By 1986, US-flag foreign trade tankers were almost nonexistent; their role had been taken by other nations' vessels, particularly those flying flags of convenience but often beneficially owned by US business interests. The US foreign trade outlook was then also poor.\textsuperscript{60} Contrasted with the US-flag fleet's steady demise and growth of flags of convenience, the State-run USSR merchant fleet continued to rise. In 1985 its tonnage was well ahead of that of the United States. With Soviet satellites and clients counted, the USSR was third in world shipping tonnage (25 million), behind Liberia, Panama and Greece and ahead of the United Kingdom.\textsuperscript{61} The Suez Canal closure during the Arab-Israeli wars prompted building ever larger tankers, which could be operated more cheaply than smaller ones, but which might have greater economic consequences and effects for the environment, if a ship were damaged or sunk in a grounding or collision, or in a storm. The same result would obtain if these huge ships were damaged during armed conflict.

5. The Environment.

The environment became another important factor. The UN Environment Programme, developed after the 1972 Stockholm Conference on the Human Environment,\textsuperscript{62} resulted in many regional treaties, among them the Kuwait Regional Convention and Protocol (1978).\textsuperscript{63} By 1981 it was in force for eight Gulf States, Iran and Iraq among them.\textsuperscript{64} The UN LOS Convention, negotiated during the decade before signature in 1982, restated many principles of the 1958 Geneva Conventions on the Law of the Sea, added new terms and published maritime environmental standards. The Gulf is particularly environmentally sensitive because of heavy tanker traffic and offshore petroleum production activity. The Gulf's currents are slow, there is only a gradual exchange of water, and therefore little purgation of pollution once it happens.\textsuperscript{65}

6. Geography of the Persian Gulf.

The Persian Gulf, known as the Arabian Gulf to Gulf coastal States, is a shallow extension of the Indian Ocean between the Arabian Peninsula to the west and Iran to the east. It extends northeast 614 miles from the Gulf of Oman in the Indian Ocean, through the Strait of Hormuz to the Shatt al-Arab in the north. Iran borders it on the northeastern shore; Iran, Iraq (which has only a 10-mile coastline) and Kuwait are on its northwest shores, and the island State of Bahrain, Kuwait,
Qatar, Saudi Arabia and the UAE border the Gulf on its southwestern shore and around Oman’s Musandam Peninsula to the Gulf of Oman and the Indian Ocean. The Gulf is 24 nautical miles wide at its narrowest point in the Strait and about 200 miles across at its widest point. Like the Baltic and Black Seas the Gulf is shallow with an average depth of 130-260 feet, with greatest depths of 700 feet within Omani territorial waters in the Strait of Hormuz. There is no deep seabed in the Gulf, whether considered from a geographic or law of the sea analysis. The shallowest areas, less than 120 feet, are along the UAE, where vessels over 5000 tons displacement, i.e., nearly all of today’s tankers, can safely sail no closer than five miles offshore. The Strait, only about 24 miles wide at its narrowest point, is relatively deep (210-270 feet) in its navigational channels. However, the Strait is dotted with islands claimed by littoral countries, Qeshen (Iran), Larak (Iran) and Quoin Islands (Oman) at its narrowest point, and Abu Musa, Greater and Lesser Tunbs, occupied by Iran. Bahrain is an island nation, and there are other offshore islands around the Gulf, e.g., Bubiyan (Kuwait) and Kharg (Iran). Several Gulf States, e.g., Iran, Kuwait, Saudi Arabia and the UAE, have numerous offshore oil rigs or pumping stations. At the head of the Gulf, the Shatt al-Arab (formed by confluence of the Tigris and Euphrates Rivers) flows through a marshy delta into the Gulf. There are also shallow estuaries elsewhere along the Gulf, where a pearl industry flourished for centuries. The Shatt has been a boundary, albeit disputed, between Iran and Iraq. Kuwait lies just around the corner of the Gulf from the Shatt marshes and Iran and Iraq. Like the Baltic and Black Seas, there is relatively little outflow or inflow from or to the Gulf. It is not as stagnant as the Black Sea, but a pollution problem in the Gulf, whether deliberate, e.g., petroleum dumping during war or a terrorist attack, or accidental, e.g., in collisions or during war, can have longterm consequences for the Gulf environment, not to mention freedom of navigation.


Yet another, and critically enduring, factor is that waters enclosing the Arabian Peninsula have three of the world’s most economically and strategically important waterways: the Strait of Hormuz, entry for the Gulf; the Suez Canal and Bab El Mandeb Strait, entries and exits for the Red Sea, through which 10 percent of world commerce flows. Suez and Bab El Mandeb cut transit time dramatically for merchantmen or naval forces moving between the Mediterranean Sea and the Indian Ocean; closing the Canal during the Arab-Israeli wars forced travel around Africa and promoted building larger petroleum tankers to supply the world. “The ... Gulf ... with the Strait of Hormuz, which gives access to it from the Gulf of Oman and the Indian Ocean, might well be described as an international oil highway” or “the West’s lifeline,” and a collision or terrorist attack in the Strait could
have serious consequences. More than 80 tankers passed through Hormuz daily. The number is less today.

Part B. The Course of the War and Others' Responses

The precipitating event for US involvement in the 1980-88 Gulf War was the USSR invasion of Afghanistan and danger to the Gulf because of a power vacuum there. US President Jimmy Carter’s January 23, 1980 State of the Union Address treated the Gulf area as a vital American interest; he said the United States would respond with force if necessary: “Let our position be absolutely clear: An attempt by any outside force to gain control of the... Gulf region will be regarded as an assault on the vital interests of the United States... and such an assault will be repelled by any means necessary, including military force.” US naval task forces were already in the Indian Ocean because of the Hostage Crisis; they remained there. The Carter Doctrine, as this point in the Address came to be called, promoted a basic rationale for prepositioning ships with stores for the Rapid Deployment Joint Task Force (RDJTF) at Diego Garcia, a British Indian Ocean dependency, and preparing for possible RDJTF deployment. RDJTF was not then a strong or mobile enough force to make it a serious US policy instrument, although its “jurisdiction” stretched over 19 countries, from Pakistan to Egypt to Kenya, an area twice as large as the continental United States with nearly impossible lines of communication and some of the most inhospitable terrain on Earth. The other, unstated goal was protecting Saudi Arabia. The United States would respond “positively” to requests for assistance from “non-belligerent friends” in the region.

Activist Iraqi Muslim Shiites, the dominant sect in Iran, tried to assassinate Iraq’s deputy premier in April 1980. Iraq began rooting out these activists, bombed an Iranian border town, expelled Iranian residents and Iraqis of Iranian descent, and called on Iran to vacate Abu Musa, Lesser and Greater Tunb, occupied by Iran and formerly UAE territory. Iran began training infiltrators, and Iraq supported important members of the Shah’s government resident in Baghdad, who tried to topple the Iranian government. Iraq sought and received backing from Kuwait and Saudi Arabia, fearful of Iranian antimonarchial policy; according to Iran, Kuwait and Saudi Arabia signed secret agreements on September 12 to boost oil outputs considerably and to contribute sales revenues to Iraq’s war effort. (Saudi Arabia had signed an agreement with Iraq in February 1979, reportedly including mutual security arrangements.) After border clashes in the summer of 1980, Iran began shelling Iraqi towns in early September. Iraq demanded territorial cessions, purportedly part of the 1975 settlement.
1. 1980: Opening Moves; First Efforts at Ending the War.

On September 22 Iraq invaded Iran. Two days later Jordan offered Iraq total support, including arms bought from the USSR and Western powers. Jordan also gave Iraq access to the Port of Aqaba and land and air facilities for imports and exports. The war had begun.

On September 21 and 24 Iraq declared the 1975 agreement demarcating the Shatt abrogated, asserting it would exercise full sovereignty over the Shatt. Iraq required Iranian ships using the Shatt to engage Iraqi pilots and fly the Iraqi ensign at the truck. Iran refused to do this. When Iraq had invaded Iran on September 22 claiming self-defense, an Iranian Notice to Mariners (NOTMAR) declared waterways near its coast a war zone, announced new shipping lanes after ships passed Hormuz, disclaimed responsibility if vessels did not follow the lanes, refused access to Iraqi ports, thereby closing the Shatt, and warned of retaliation if Gulf States gave Iraq facilities. Refusal of access to Iraqi ports was later characterized as a "blockade" of the Iraqi coast. There were also sporadic attacks on shipping in the Shatt in the early days of the war. Whether this resulted in pollution into the Gulf cannot be determined; undoubtedly there was spillage from bunkers, tankers and damaged facilities. Attacking States' motivation and care, in terms of concerns, if any, for the environment is not known.

On September 23 the European Community (EC) endorsed an Arab League appeal for a ceasefire and "emphasized the vital importance for the entire international community of freedom of navigation in the Gulf, with which it is imperative not to interfere." From the beginning of the war until near the end, however, the EC made no effort to harmonize policy, due to lack of internal cohesion and a clash of cultures. Several Arab States, Libya and Syria among them, had supported Iran in the League; Algeria, Lebanon, Libya, the Palestine Liberation Organization and South Yemen had boycotted the meeting. Five days later the UN Security Council's Resolution 479 called for ending hostilities. Iraq, denying territorial ambitions, accepted the Resolution; Iran considered the 1975 treaty valid and demanded condemnation of Iraqi aggression. Although the resolution had not mentioned freedom of navigation, Japan and the United States stressed that principle's primary importance. Resolution 479 also supported the UN Secretary-General's efforts to settle the dispute through mediation or conciliation, and in November he appointed former Swedish Prime Minister Olaf Palme as mediator; Palme's efforts were largely unsuccessful.

On October 1 Iran declared the Shatt closed for all maritime craft until further notice. On October 5 a US NOTMAR announced Iran had warned that "all coastal waters [were] battle areas. All transportation of materials to Iraqi ports [was] prohibited." After passing Hormuz, merchant traffic should stay south of designated points. The Shatt estuary should be avoided, and mariners were cautioned to be alert to unusual, abnormal or hostile actions while in the Gulf.
Iran’s rationale for its war zone declaration was twofold, “the first being of a defensive nature. . . . Iran was [concerned with] protect[ing] its coastline against intrusion by ships likely to present a risk to national security. . . . [F]oreign ships wishing to pass through the zone had to request prior authorization. . . . Ships calling at a port in . . . [a] countr[y] bordering the . . . Gulf were, for obvious security reasons, subject to stricter regulations,” being required to contact Iran’s naval headquarters 48 hours in advance. “Iran’s second concern was to guarantee the safety of international shipping. . . . [T]he zone could be dangerous to shipping due to warlike events likely to take place there. Without going so far as forbidding access to the zone, Iran . . . recommend foreign ships to avoid the zone by following shipping lanes outside it, thereby disclaiming responsibility for any damage which might be incurred on passing through the zone. Thus warned . . . , ships which persisted . . . did so at their own risk.”102 Iran began shuttling merchant convoys under naval protection down her coast, through Iraq’s Gulf Maritime Exclusion Zone (GMEZ), to the lower Gulf.103 According to an Iranian commentator, “contrary to allegations, Iran never extended its war zone to . . . Hormuz and, on 22 October . . . , reaffirmed a commitment to keeping the Strait open to navigation.”104 The United States later welcomed belligerents’ assurances that Hormuz would remain open.105 Despite lapses in its threats to close the Strait,106 or its apparent use of others’ territorial sea for naval maneuvers,107 there is clear evidence to the contrary of a commentator’s view that Iran’s position in the Third UN Conference on the Law of the Sea (UNCLOS III) that produced the 1982 LOS Convention “remained faithful to monarchical Iran’s worldview regarding the navigation regime of the Gulf, most notably, opposition of a special regime for straits used for international navigation . . . , as well as insistence on prior authorization of warships intending to exercise innocent passage through the territorial sea.”108

On October 7 Iraq declared the Gulf north of 29 degrees 30 minutes North latitude “a prohibited war zone;” this was the Tanker War arena until 1984.109 This war zone declaration was reportedly reprisal, or retaliation, for the Iranian “blockade.”110 By far the most severe blow to the Iraqi economy was Iran’s successful closure of the Gulf, soon after hostilities began, to Iraqi oil exports.111 Closing Iraq’s coast and Iranian bombing of Iraqi oil terminals forced Iraq to use pipelines to Kuwait, Saudi, Syrian and Turkish ports to export oil to finance the war, or to export or import war-sustaining goods by other means, i.e., nearby third-State ports. The result was that Kuwait and Saudi Arabia sold oil and turned over at least part of the proceeds to Iraq as loans. They also made cash grants to Iraq.112 Estimates of Saudi and Kuwaiti financial aid range from $25 billion to $65 billion.113 Although having sided with Iran early in the war, Syria allowed Iraqi oil exports through the Kirkuk (Iraq)-Tripoli (Lebanon)-Banias (Syria) pipeline until 1982.114 During the fall, “as reprisal for Kuwaiti assistance to Iraq,” Iranian warplanes attacked
Kuwaiti border posts and bombed the Um-Aish oil refineries, 25 miles below the Iraqi border. Whether these were arms-length bargains, or these States acted out of fear of a powerful neighbor, or otherwise, is less than clear. Bahrain, Qatar and the UAE maintained strict official silence, although two UAE principalities (including Ras Al Khaimah, which lost islands to Iran in 1971) loaned Iraq $1-3 billion by the end of 1981, Abu Dhabi loaned $500 million a year by 1983, and Qatar loaned another $1 billion. UK intelligence discovered Iraqi helicopters and troops in Oman preparing to invade and occupy Abu Musa and the Tunbs; the UK and US governments successfully pressed Oman to scuttle the Iraqi plan. Later, Saudi Arabia persuaded Iraq to abandon the plan. Thus, at the beginning of the war nearly all Gulf littoral States supported, or at least tilted toward, Iraq. Jordan had solidly supported Iraq, opening the Port of Aqaba on the Red Sea for Iraqi civilian and military imports. According to Iran, Jordan also permitted Iraqi use of an air base. This support was probably necessary for survival of the Iraqi regime, because Iranian bombardment of Iraqi Gulf ports early in the war made Iraq effectively a landlocked country. By the end of 1980 its oil exports had dwindled from over 3 million to 1 million barrels a day. Although officially neutral, Turkey leaned toward Iraq. Nevertheless, perhaps 10 percent of Turkey's exports went to Iran during the war and another 10 percent to Iraq. Egypt sold weapons to Iraq and may have augmented the Iraqi army with mercenaries and volunteer detachments. Egyptian pilots took part in air raids on Iran.

Officially neutral, the United Kingdom improved relations with Iraq. France was also neutral, but its policies favored Iraq. Private contractors in both countries signed deals with Iraq, and other States' arms dealers went through Iraq's oil customers to supply Iraq arms and spares. At the beginning of the war the United States did not have diplomatic relations with either belligerent; US relations with Iran were bad because of the ongoing Hostage Crisis. On the other hand, the USSR had relations with both and was in a less strained position with respect to Iran, for which there had been historic Russian interest. Soviet aid to Iran stood at $1 billion in 1980. By the end of the war the USSR had provided $8.8 to 9.2 billion in military assistance, most of it coming through Aqaba. The initial Soviet response to the invasion was strong disapproval, despite the 1972 Iraq-USSR friendship treaty, and may have resulted in beginning Iraqi overtures to the United States. Italy's previously solid economic relations with Iraq were put under pressure when it declared neutrality; Italy's Fincantieri shipyard could not then deliver 11 warships Iraq ordered as part of a $1.1 billion contract. Italian export licenses granted in 1981 lapsed because of the government's decision to ban military exports to the belligerents. Iraq then refused to pay on its $2 billion debt to Italy. Italian companies and Italian nationals also worked on Iranian construction projects; this kept Italy from a high diplomatic profile. Italian businesses operated
with both belligerents. The FRG maintained a more evenhanded approach. Smaller northern European States not dependent on Gulf oil looked to the United Nations to resolve the war. Spain and Greece, Gulf oil dependent, got all of it they needed.

The Islamic revolution left Iran in poor financial condition. As more skilled, better educated and wealthy people fled, oil production declined, and foreign exchange reserves dwindled from $14.6 billion in 1979 to $1 billion in 1981. However, Iran had military spare parts reserves, a legacy of the Shah's rule; these supplied its war machine for awhile. Syria and Libya supported Iran, airlifting USSR-made arms to Iran; Syria provided intelligence. Some private arms dealers in States officially leaning toward Iraq sold supplies to Iran. Israel sold Iran arms and spares from its stocks and got others from European sources. North Korea, East Germany and Cuba, eager to buy oil, sold Iran military supplies. The USSR, officially linked closely with Iraq, may have sold war goods to Iran as well, but Iraqi reverses in 1982 prompted promises of Soviet aid to Iraq. The USSR was caught among three conflicting foreign policy issues: its relationship with Iraq, an official amicable stance toward the Iranian revolution, and an international atmosphere marred by the Afghanistan invasion and tense US-Iran relations after the Hostage Crisis. The Soviet Union had declared its neutrality early in the war, however. The USSR appeared dissatisfied with Iraqi military action in late 1980, and flirted with Iran and its friends, inter alia signing a Friendship Treaty with Syria in October. Nevertheless, the Soviet Union did not totally abandon Iraq. Iraq, perhaps petulently, rejected arms from the USSR this time. Warsaw Pact countries—Bulgaria, East Germany, Poland—increased arms sales to Iraq. Early in the war Iran rebuffed a Soviet arms offer. Iran did get satellite information on impending Iraqi attacks, however. Iran was determined to be militarily self-sufficient as part of the Islamic revolution. Iraq, on the other hand, relied increasingly on Gulf State financial subventions, up to $18-20 billion by the end of 1981. Iraq also came to rely on the superpowers diplomatically too.

In November Iranian NOTMARs directed ships entering or leaving Iranian ports to get coordinates for Gulf travel from its navy and to inform the relevant Iranian port of their position hourly. Inbound ships had to give estimated time of arrival at Bandar Abbas and be cleared. If not cleared, they were to anchor there. Early in 1981 a NOTMAR directed all very large crude carriers or ultra large crude carriers (VLCC or ULCC), not inbound for Iranian ports and intending to cross the Iranian restricted zone, to contact Iranian naval headquarters with travel information 48 hours before departure, ostensibly for ship safety reasons.

"Although neither Iran nor Iraq declared contraband lists, the fact that both nations attacked neutral crude oil carriers, loaded and in ballast, indicated both... regarded oil as contraband. Whether classified as absolute or conditional contraband, oil and the armaments which its sale or barter on international markets
[would] bring, were absolutely indispensable to the war efforts of the . . . belligerents.\textsuperscript{143} No prize courts were established until the end of the war, when Iran published its rules, which did not include a contraband list.\textsuperscript{144}

The UK Armilla Patrol was deployed in the Gulf from the beginning;\textsuperscript{145} Gulf States provided it and other western navies facilities.\textsuperscript{146} Logistics sources limited Patrol operations to the lower Gulf, up to 40 miles north of Dubai, and outside war zones; UK merchantmen steaming to Kuwait were not protected northward.\textsuperscript{147} A US guided missile cruiser was ordered to the Gulf in October; President Carter wanted a naval task force presence to keep Hormuz open.\textsuperscript{148} By October 15 at least 60 Australian, French, UK and US warships were in the Indian Ocean to protect the oil route; 29 Soviet vessels were also there.\textsuperscript{149} US overall policy had these themes:

1. United States neutrality . . .
2. American expectation of neutrality and non-interference by other nations; particularly the U.S.S.R.
3. Defense of United States vital interests including:
   a. Preservation of freedom of navigation to and from the Gulf,
   b. Prevention of the war's expansion in ways that would threaten the region's security.
4. A desire for the immediate cessation of hostilities and solution of the dispute by diplomatic means.

These derived from US goals of peace and preventing a wider war.\textsuperscript{150} The United States had imposed economic sanctions on Iran when the Hostage Crisis began. Some controls were revoked in 1981 after the hostages' return, others remained in force, and more controls were imposed again in 1987 because of Iran's actions against US flag vessels in the Gulf.\textsuperscript{151} The United Kingdom had passed special legislation to permit Orders in Council to limit contracts related to Iran in early 1980, and this legislation also remained in effect during the war.\textsuperscript{152}

When the war began 70 neutral-flag vessels were trapped in the Shatt. Despite UN good offices in October 1980, including a plea for a ceasefire to allow them to leave under a UN\textsuperscript{153} or Red Cross flag,\textsuperscript{154} Iraq refused to allow it, citing its "full" sovereignty over the Shatt.\textsuperscript{155} Iran had accepted the proposal.\textsuperscript{156} The ships remained in the waterway for the rest of the war.

2. 1981: Efforts at Settlement; the Gulf States Organize the GCC.

In March 1981 the Islamic Conference Organization (ICO) offered the belligerents a peace plan; they rejected it.\textsuperscript{157} UN mediation, which had begun in November, had failed by April.\textsuperscript{158}

Between May and November 1981 Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE established the Gulf Cooperation Council under Saudi leadership with French and UK advice, to effect coordination, integration and interconnection
between member States to achieve unity among them. GCC members moved toward economic integration and defense and security coordination between 1981 and the end of the war. The Council initially stressed economic and social planning, as is evident from its Charter, but security issues eventually emerged as the GCC’s primary focus. The Council “consistently supported Iraq and repeatedly called for cease-fire in the war, fully endorsing Security Council resolutions.” Although the GCC tried to underline its neutrality, Iran may have seen its establishment as a step against it and the Islamic revolution. However, one member, UAE, pursued its special relationship with Iran; the GCC secretariat approved it to maintain open, friendly communication with Iran. Even here there was ambivalence because of Iran’s occupying Abu Musa and the Tunbs. Similarly, although basically supporting Iraq, Kuwait felt pressure from Iran because of its geographic proximity.

Militarily, the GCC was weak, relative to the belligerents, except the Saudi air force; the other five States mustered only 100,000 in their armed forces. The GCC was never totally unified, at least early in the war. For example, Qatar, because of a Saudi-Qatar dispute over the Khufu strip, withdrew forces from Peninsula Shield I, the first relatively modest GCC combined exercise. This action, according to an Iranian commentator, reportedly “followed a succession of other blows to attempts at constructing a common defense arrangement.” Later Peninsula Shields (II, 1984; III, 1987), were more successful. For the first time in the Twentieth Century, forces from all GCC States participated in cooperative military activities aimed at defending their territories. Although the war initially posed a threat to GCC States, the end result was a stronger, more unified military structure. In 1984 its Council decided on a rapid intervention force for peacekeeping operations in the Gulf area; in 1987 the Council approved a comprehensive security strategy, which may amount to a collective defense pact. Nevertheless, most Western analysts concluded during the war’s early years that the narrow military significance of any GCC measures would remain marginal. Council members, even if they acted in unison, were seen as lacking manpower and infrastructure to mount an adequate defense against a determined aggressor. Although the GCC States could not stop a Soviet attack, they could increase the political and military costs of aggressive moves by regional States, e.g., Iran or Iraq, and thereby serve as a deterrent. GCC States also negotiated a web of bilateral internal security arrangements to combat subversion and terrorism. The May 1981 GCC summit in Abu Dhabi declared that the Gulf should remain free of international conflicts and expressed fear of foreign intervention. Its November Riyadh conference expressed hope that efforts coming from the ICO, non-aligned States, and the United Nations, would be successful. Thus the GCC came to emphasize the ICO as a mediator between the belligerents. Thus, early in the war, the GCC’s significance and the emerging regional security framework was seen
as an information-sharing network for ... contain[ing] ... internal subversion and violence; as a wholly indigenous and domestically palatable framework for serious and routine consultation with a view toward enhancing members' diplomatic initiatives and deterrent capabilities against external aggression; and as a possible venue for establishing more realistic, efficient, and compatible industrial plans in an era of reduced income.

Much would depend on events in Iran and Iraq, however.\textsuperscript{171} Also in 1981, at Saudi request, US Air Force AWACS aircraft deployed to Saudi Arabia to enhance surveillance capabilities.\textsuperscript{172} The incoming Reagan Administration saw the USSR as the major threat in the Gulf, a purported shift in US policy.\textsuperscript{173} On Saudi advice, the Administration sent a special emissary to Baghdad in April 1981, and Iraq announced in July that the head of the US interests section would be treated as a de facto ambassador.\textsuperscript{174} US military presence was to be increased, including assets prepositioning a Navy-Marine Corps task force, Army and Air Force exercises, creation of the RDJTF, and efforts to get access to Indian Ocean facilities.\textsuperscript{175} A May 27 US NOTMAR repeated previous warnings and Iran's revised shipping guidelines.\textsuperscript{176}

In May 1981 Iran seized a Kuwaiti survey ship and a Danish vessel, Elsa Cat, bound for the UAE and Kuwait and carrying military equipment to Iraq; Iraq protested Elsa Cat's seizure. Both vessels were let go. Iran was careful at this time to avoid provoking neighbors or major Western powers, being dependent on transshipments from the UAE and food imports through the Gulf.\textsuperscript{177} In October an Iranian air raid damaged Kuwaiti Umm Aish oil installations. Beginning in 1981 and continuing through 1984, Iraq attacked commercial vessels in the northern Gulf, usually tankers and cargo ships calling at Bandar Khomeni or Bushire, Iran after being convoyed through Iranian territorial waters.\textsuperscript{178} In March 1982 it was reported that Iraq had mined the Bandar Khomeni - port of Bandar Mashahr channel to the open sea. An Iranian tanker had been lost in February, probably to mines.\textsuperscript{179} There are apparently no published reports of oil spillage and pollution, or pollution from other cargoes or bunkers from these or later attacks, except for the 1983 Nowruz attack.\textsuperscript{180} However, it is safe to infer that there was spillage and therefore pollution of harbors and offshore sea areas; the extent is unknown. The minelayers' motivation and care in conducting these and later attacks is also unknown. In April 1982 Syria had shut off Iraq's oil pipeline access to the Mediterranean; Iraq could now only export oil through Saudi Arabia and a trans-Turkey pipeline.\textsuperscript{181} In 1984 the Turkish line was expanded; in 1987 a second leg was built. Oil was also trucked across Jordan to the Port of Aqaba. This network, which included a spur pipeline to Yanbu in Saudi Arabia, increased Iraqi export capacity from 650,000 barrels a day in 1982, the low point during the war, to 2.5 million barrels a day in 1987, or close to prewar output.\textsuperscript{182} Iran also realized the danger of
lifting its oil through Gulf ports and planned a 1200-kilometer pipeline to Jask in the Indian Ocean.\(^{183}\)


In May 1982 Iraq tried to invoke the Arab League mutual defense treaty to get military aid from League members. Syria warned that if Egypt, a League member, lined up with Iraq, Syria would go with Iran. The result was a political standoff.\(^{184}\) Algerian attempts to mediate the dispute almost resulted in a breakthrough.\(^{185}\) The Gulf Cooperation Council’s emergency meeting in April had declared support for efforts to end the war, and its May emergency meeting had adjourned until May 30 to allow efforts, including those of the ICO, to end the war. When this effort collapsed, the GCC called on Iran to respond positively to Iraq’s peace initiatives. For the first time, the Council identified Iran as the intransigent party. The GCC repeated this call in July 1982. This year marked the GCC’s awakening to shouldering its security responsibilities more forcefully. GCC defense ministers authorized comprehensive cooperation in security affairs.\(^{186}\) Peninsula Shield II was held in 1984, a result of these decisions.\(^{187}\)

In June 1982 the GCC had offered a peace plan: ceasefire, withdrawal to the 1975 borders and negotiations on other issues.\(^{188}\) In July and October Security Council Resolutions 514 and 522 called for a ceasefire.\(^{189}\) The UN Secretary-General reported Iraq was ready to cooperate in implementing Resolution 514, which also called for UN observers to supervise a ceasefire and withdrawal.\(^{190}\) Iran was not; the next day (July 13, 1982) Iran launched the first of many offensives into Iraq, the first real invasion of its adversary.\(^{191}\) In September the Arab League urged ending the war and complying with Council resolutions.\(^{192}\) Iraq subscribed to this peace plan, sponsored by Saudi Arabia; Iran rejected it,\(^{193}\) demanding $150 billion in indemnity.\(^{194}\) Even Saudi Arabia’s private offer to pay $50 billion to Iran in indemnity was refused.\(^{195}\) Israel’s invading Lebanon in June also helped blow these efforts off course. By late 1982 all Gulf States had policies of strict neutrality because of fear of Iran except Kuwait and Saudi Arabia, which strongly favored Iraq. Kuwait was fearful of its northern neighbor as well; Iraq continued to demand a lease of Kuwait’s Bubiyan Island at the Shatt’s mouth. Saudi Arabia agreed to pay for five Super Etendard fighters, sold by France to Iraq, in Saudi oil money. Kuwait and Saudi Arabia also guaranteed performance of foreign companies’ defense contracts with Iraq.\(^{196}\) Observers claim Iraq could not have sustained its war effort without the French deliveries.\(^{197}\) The United States authorized sale of 60 helicopters for “agricultural purposes” and $460 million of credits for American rice.\(^{198}\)

On August 12, 1982 Iraq had announced its GMEZ, advising it would attack any ship within the zone and that tankers docking at Iran’s Kharg Island, regardless of nationality, would be targets. Kharg was Iran’s main export terminal.\(^{199}\) When announcing the GMEZ and “blockade” of Kharg, Iraq stressed that its war zones
were designed to cope with difficulties in distinguishing between vessel nationalities in the Gulf. On August 29 Iran responded, declaring it would protect foreign shipping, began escorting foreign shipping, and deployed ships with surface-to-air missiles at Kharg. Iran began giving naval protection to shuttle convoys of Iran-flagged and neutral flag merchantmen lifting oil from Iranian northern Gulf ports to those farther down its shore for world export. Iraq attacked ships in its GMEZ through September. The GMEZ was modified in November, Iraq “ask[ing] all companies and owners of oil tankers that their vessels [would] be subject to danger upon entering the . . . zone.” In general, however, up to March 1984, Iraq attacked all ships in its GMEZ. This aspect of the war was the only theater where the initiative lay with Iraq. The US freedom of navigation policy was redefined to keeping Gulf access open for nonbelligerents. Contacts with the United States increased, and in 1982 the United States removed Iraq from its list of States supporting international terrorism, thereby opening a door for more Iraq-US contacts, e.g., intelligence information and business. The USSR by now had receded from its initial disapproval of Iraq’s invasion and began to increase supplies to Iraq, to the point where the Soviet Union underwrote most of Iraq’s 1987 defense effort. The USSR was primarily concerned with Iraq’s survival; an Iranian military victory was not considered to be in the Soviet Union’s best interests.

The November 1982 Bahrain Gulf Cooperation Council summit focused on Iranian complicity in a failed coup in Bahrain, and “More than any other event, [it] molded the GCC’s view on how to react toward Iran.” Although Saudi Arabia failed to convince GCC members to help Iraq financially, it succeeded in identifying the Iranian Islamic Revolution as a threat to the GCC. After the summit GCC defense ministers and others conferred to coordinate contingency plans for containing the war, i.e., to prevent spillover into their territories. These officials asked Iran to respond to the ICO, UN and other peace missions; there was no response. Given these rejections, the GCC decided to officially support Iraq. In January 1983 Iran, Libya and Syria issued a “Damascus Communique,” condemning Iraq and expressing support for Iran. GCC foreign ministers sent a strong rebuke, saying the Communique did not serve Arab unity and would not help end the war. The 1983 Non-Aligned Movement (NAM) summit urged a ceasefire appealing to the United Nations to consider a peacekeeping force at the belligerents’ borders.


On March 2, 1983 Iraq bombed Iran’s Nowruz offshore oilfield, causing an immense slick; previously it had bombed Kharg facilities.

Efforts to arrange a cease-fire . . . to allow anti-pollution activities were unsuccessful, and the persistent oil slick in a level of pollution which some experts believed would
cause permanent damage to the Gulf ecosystem; ... by early June ... desalination plants in Saudi Arabia had to be closed, while Dubai [one of the UAE] announced on 3 June that it had [imposed a ban] on all imports of fish from neighbouring Gulf countries after the discovery that existing stocks had been contaminated by oil.

In some areas the oil was reportedly two feet thick. International shipping lanes were threatened, since many vessels use sea water for cooling and distilling into fresh water. Early reports that the slick had equalled the area of Belgium were later discounted. Strong winds blew it offshore and partially dispersed it. Iraq rejected Iran's request for a partial truce so that oil cappers could try to stop the 2000 to 5000 barrels a day flow.\(^{210}\) (A merchantman's allision with a well on January 27 had caused part of the spill.\(^{211}\) The United States may have been involved in helping get the spill capped.\(^{212}\) Iran characterized the attack as a clear violation of the Kuwait Regional Convention organization regulations which "strictly prohibit[ed] military attacks on oil installations."\(^{213}\) Iraq countered that the conventions "ha[d] no effect in ... armed conflict."\(^{214}\) The London-based War Risks Rating Committee raised marine cargo insurance rates in 1982 and again in 1984 because of Iraqi attacks on Gulf shipping.\(^{215}\)

In October the Security Council called for a ceasefire. Resolution 540 "Condemn[ed] all violations of international humanitarian law, in particular ... the Geneva Conventions of 1949 in all their aspects, and call[ed] for the immediate cessation of all military operations against civilian targets, including city and residential areas[.]") The Resolution

\[\ldots\text{Affirm[ed]}\text{ the right of free navigation and commerce in international waters, call[ed]}\text{ on all States to respect this right and also call[ed] upon the belligerents to cease immediately all hostilities in the region of the Gulf, including all sea-lanes, navigable waterways, harbour works, terminals, offshore installations and all ports with direct or indirect access to the sea, and to respect the integrity of the other littoral States.}\]

The Council "Call[ed] upon both parties to refrain from any action that may endanger peace and security as well as marine life in the region of the Gulf."\(^{216}\) In voting to approve Resolution 540, the USSR made it clear that it would firmly oppose armed intervention in the Gulf for any reason, including freedom of navigation.\(^{217}\) The Gulf Cooperation Council's fourth summit endorsed the resolution. The GCC thus went on record, for the first time, to support freedom of navigation in the Gulf.\(^{218}\)

On January 1, 1983 the US Central Command (CENTCOM) had been established to replace the RDJTF to plan and coordinate US military operations in the region more effectively. France and Britain continued to maintain a substantial Indian Ocean naval presence, with ships regularly sent there.\(^{219}\) The USSR also continued its Indian Ocean presence. President Reagan had reaffirmed and
expanded the Carter Doctrine to include US interest in dealing with threats to Saudi Arabia and readiness to keep the Strait open if Iran tried to stop shipping there. US buildup continued. Operation Staunch sought to curtail the arms flow to Iran. US policy had changed in late 1983, following Iraqi officials' visit to Washington, where they advised the United States that closing the Gulf to Iraqi oil exports had hurt the Iraqi economy and that Iraq would have to increase the cost of the war to Iran in order to press Iran to end it. In December 1983 Iran sought to revive the Regional Cooperation for Development Agreement with Pakistan and Turkey that the Shah had established in the 1960s. Pakistan and Turkey received the overture cordially.

5. 1984: Attacks on Tankers and Other Shipping; Responses.

Perhaps presciently, the United States published this Notice to Airmen (NOTAM) and NOTMAR in January 1984:

A. U.S. naval forces operating in international waters within the... Gulf, Strait of Hormuz and the Gulf of Oman are taking additional defensive precautions against terrorist threats. Aircraft at altitudes less than 2000 ft AGL [above ground level]... not cleared for approach/departure to or from a regional airport are requested to avoid approaching closer than five NM [nautical miles] to U.S. naval forces. It is also requested that aircraft approaching within five NM establish and maintain radio contact with U.S. naval forces on [designated frequencies]. Aircraft which approach within five NM at altitudes less than 2000 ft AGL whose intentions are unclear to U.S. naval forces may be held at risk by U.S. defensive measures.

B. This notice is published solely to advise that hazardous operations are being conducted on an unscheduled basis; it does not affect the freedom of navigation of any individual or State...

Iran protested this and later "cordon sanitaires" around US warships and aircraft, and US Navy ships transiting Iran's territorial sea during the war. The United States rejected the protests, asserting a right of self-defense. These claims were seen as a hardening of positions between Iran and the United States. The US official position was that Iran was refusing to end the war, and not Iraq, which had accepted Resolution 540, and that Iraq attacked shipping in its GMEZ, while Iran was hitting neutral vessels in international waters. By now 19 US warships, including a carrier, were in the Gulf area. Britain decided not to use an envelope around its Armilla Patrol.

In March 1984 the United States reportedly tried to persuade some Gulf States to avoid a crisis by letting the United States use their military facilities and to allow military supplies prepositioning in Bahrain, Oman and the UAE. The United States had coordinated contingency plans with Great Britain for escorting tankers and providing air cover in the Gulf and the Strait of Hormuz. US plans also
The War, 1980–88

reportedly included blockading Kharg Island, mining Iranian Gulf ports and commando raids on Iranian bases. However, the United States insisted that it be invited into the region and that any arrangement must involve Western allies. The mission came to naught. Part of the background for the US initiative may have been Kuwait's claim that Iran had attacked Bubiyan Island, owned by Kuwait, and Kuwait's complaint of Iranian hospitality to terrorists who hijacked a Kuwaiti airliner and escaped to Iran.

In February 1984 the Iraqi GMEZ had been extended to 50 miles around Kharg Island; Iraq warned that ships approaching Bandar Khomeni or Bushire would be sunk. Bandar Khomeni approaches had been mined the previous October. Britain protested a March 1 Iraqi attack on a convoyed cargo ship, The Charming, in the Bandar Khomeni approaches; Indian and Turkish vessels were also attacked. The war was creeping down the Gulf. Tankers were hit in Iraqi air attacks on Kharg, and Iraq destroyed Saudi tankers outside its GMEZ. Iran attacked Kuwaiti and Saudi tankers, including a supertanker, Yanbu Pride, for the first time in April and May 1984. Iraqi attacks were airborne, since the Iran "blockade" had effectively bottled up Iraq's relatively weaker naval forces. Iraq had shifted its anti-shipping campaign focus in an effort to attack the weak link in Iran's war economy and to arouse world interest in the conflict, perhaps to "draw in other states, the Western powers in particular, in the hope that they would support Iraq and help to bring about a peaceful settlement." Iraq had some success in disrupting Iranian oil exports; its attacks promoted third State measures designed to protect their nationals' commercial interests. In attacking mostly neutral-flag tankers sailing independently,

Iraq appears to have devoted minimal effort to obtaining visual identification of the target before [launching missiles]; accidents . . . did occur. Iran does not appear to have begun attacking commercial shipping until Iraq commenced its anti-tanker campaign . . . . Since there was no sea traffic with Iraq, Iran attacked neutral merchant shipping destined to and from neutral ports . . . , presumably . . . to persuade Iraq's financial backers, the other Gulf States, to dissuade Iraq from its campaign against the Kharg Island tankers. Iran's attacks on merchant shipping were less numerous . . . and, in general, less costly in lives and property . . . , [being] conducted with rockets instead of missiles. . . . Iran devoted more effort to target identification than did Iraq. . . . Iran did not conduct its attacks in declared . . . zones[,] and some . . . attacks were . . . in neutral territorial waters.

This expansion of the Tanker War led the United States to grant a Saudi request to buy Stinger short-range air defense missile systems. The USSR supplied Iraq with weapons, consistent with its bilateral friendship and cooperation treaty, and at the same time Soviet weaponry may have found its way to Iran through North Korea and the PRC. Soviet arms sales seemed to follow the fortunes of the battlefield and Soviet failure to achieve influence within Iran. France was becoming a
heavy supplier to Iraq\textsuperscript{244} and in 1984 sold $4.5 million in arms to Saudi Arabia,\textsuperscript{245} which may have found their way to Iraq.\textsuperscript{246} Sweden began selling arms to Bahrain but mostly to Iran through middlemen in Austria, Brazil, Ecuador, Singapore, Thailand and Yugoslavia. Among these sales were 40 “pleasure cruisers,” as designated by a Swedish manufacturer, to the Iranian coast guard. At the same time the UN Secretary-General chose a Swedish politician who later became prime minister, Olaf Palme, as mediator between the belligerents.\textsuperscript{247}

The Tunis May 9-10 Arab League Summit Conference strongly condemned attacks on Kuwaiti and Saudi tankers.\textsuperscript{248} The Soviet Union was concerned that Iranian attacks on the tankers would result in a major regional war on its borders and a possibility of US intervention. Although the USSR negotiated with Iran in June 1984 concerning Soviet military support of Iraq, little changed in Soviet behavior, which was becoming increasingly pro-Iraq, partly due to Iranian purges of pro-Soviet groups in Iran.\textsuperscript{249}

In April an Iraq-laid mine had damaged a Saudi tanker, and in May Iran initiated a retaliatory policy against Arab shipping.\textsuperscript{250} On May 21 the GCC States complained to the Security Council about Iranian “acts of aggression on the freedom of navigation” to and from their ports, asserting that “Such acts of aggression constitute a threat to the stability and security of the area and have serious implications for international peace and security.”\textsuperscript{251} Iran justified the attacks on reaction against aid to Iraq by States in the region, and “indivisibility of security in the ... Gulf.”\textsuperscript{252} Although this argument concededly had no basis in law, Iran hoped target States would pressure Iraq, whom they had been supplying,\textsuperscript{253} to stop attacks on Iran.\textsuperscript{254} During Council meetings many States addressed freedom of navigation.

... Norway ... expressed regret that ships had been attacked in international waters outside the declared war zones, and stated that free and safe navigation should be secured for international shipping in the area. ... Kuwait said that attacks against Saudi and Kuwaiti tankers were acts of aggression committed against ... two countries ... not parties to the ... conflict, carried out in violation of ... conventions according to which the high seas [were] open to all countries. This view was shared in general terms by other Gulf States such as Bahrain, Oman, [UAE] and Saudi Arabia. Yemen also denounced those attacks aimed against tankers belonging to States ... not parties to the conflict. The importance of ... free navigation and free commerce was further stressed by ... Ecuador, [FRG], India, Jordan, Liberia, Morocco, Pakistan, Somalia and Sudan[.] ... Panama called on the ... Council to take action to ensure that the right of free navigation and trade in international waters might be effectively exercised by all .... [T]he Netherlands pointed out the legal aspects of the attacks on shipping in the Gulf, recognizing that under international law belligerents may ... restrict shipping to and from ports of ... belligerents, and that such measures do of necessity affect the rights of third States under whose flags such shipping is conducted; ... deliberate and indiscriminate attacks against merchant shipping in any part of the Gulf were to be considered absolutely outside the scope of the permissible use of armed force. The Soviet Union, ... restating that any foreign
armed intervention in the . . . Gulf was inadmissible, no matter what the pretext, asserted that international law demanded strict observance of . . . freedom of navigation, as laid down in general maritime law and in binding treaty obligations. The other permanent members of the . . . Council reaffirmed in rather general terms the legitimate rights and interests of third States.\textsuperscript{255}

The Arab League Secretary General also invited the Council to take appropriate measures to protect navigation in the region and to ensure safety of international sea lanes and channels.\textsuperscript{256} Many States addressing the Council had vessels under their registries, perhaps under flags of convenience (e.g., Liberia, Panama), or were major carriers, in the Gulf trade. Many had been or would be major naval players in the Tanker War.\textsuperscript{257} The resulting Resolution 552 (June 1, 1984)

\ldots Call[ed] upon all States to respect, in accordance with international law, the right of freedom of navigation; . . . Reaffirm[ed] the right of free navigation in international waters and sea lanes for shipping en route to and from all ports and installations of the littoral States that are not parties to the hostilities; . . . Call[ed] upon all State to respect the territorial integrity of the States . . . not parties to the hostilities . . . Condemn[ed] the recent attacks on commercial ships en route to and from the ports of Kuwait and Saudi Arabia; . . . Demand[ed] that such attacks should cease forthwith and that there should be no interference with ships en route to and from States . . . not parties to the hostilities; . . . Decide[ed], in the event of non-compliance with the present resolution, to meet again to consider effective measures . . . commensurate with the gravity of the situation . . . to ensure the freedom of navigation in the area . . . .\textsuperscript{258}

A GCC draft resolution would have named Iran as an aggressor.\textsuperscript{259} A week later the London Economic Summit of major Western powers and Japan

\ldots expressed [its] deep concern at the mounting toll in human suffering, physical damage and bitterness that this conflict has brought; and at the breaches of international humanitarian law that have occurred.

\ldots The hope and desire . . . is that both sides will cease their attacks on each other and on the shipping of other States. The principle of freedom of navigation must be respected. We are concerned that the conflict should not spread further and we shall do what we can to encourage stability in the region.

\ldots We also considered the implications for world oil supplies . . . . [T]he world oil market has remained relatively stable . . . [T]he international system has both the will and the capacity to cope with any foreseeable problems through the continuation of the prudent and realistic approach . . . being applied.\textsuperscript{260}

Almost simultaneously Saudi aircraft, with US AWACS help, downed an Iranian fighter over the Gulf after two warnings; there was a dispute as to whether it was in international or Saudi airspace, but in any event Iran appeared unwilling to
challenge the Saudis. Two weeks later Saudi Arabia established an Air Defense Identification Zone (ADIZ), the Fahd Line, beyond Saudi territorial sea limits. This allowed Saudi interceptors, guided by US AWACS and refuelled by US air tankers, to engage other aircraft, primarily Irani, threatening shipping.\textsuperscript{261} Saudi Arabia also proclaimed a 12-mile safety corridor within the GCC States' territorial sea. It was intended to provide security for neutral shipping carrying oil from Kuwait and other supporters of Iraq.\textsuperscript{262}

At the same time, however, pragmatists within Iran tried to reassure GCC States; a diplomatic breakthrough for Iran came a year later, in May 1985, when the Saudi foreign minister paid an official State visit. There were also high-level exchanges between Iran and Oman and the UAE. The one area where diplomatic progress eluded Iran was the tanker war. Even here, for more than a year Kuwait and Saudi Arabia tried to resolve differences through bilateral negotiations. The Tanker War was not amenable to diplomatic solution between the Gulf Arabs and Iran, because it was an Iraqi war policy. Iraq controlled the timing and intensity of attacks on Iranian shipping and oil installations; with fewer operational aircraft and weapons, Iran had to choose when and against whom to respond. Tankers carrying Kuwaiti oil became special targets of Iranian attacks because of all the GCC countries, Iran had the least friendly relations with Kuwait, which was far weaker militarily than Saudi Arabia.\textsuperscript{263}

During the summer of 1984 mines detonated in the Gulf of Suez and the Strait of Bab el Mandeb, choke points for the Red Sea to the west of Saudi Arabia, damaging several ships. Although Iran and Libya were accused of laying the mines, Iran denied the charges; it is thought that the Libyan cargo ship \textit{Ghat} laid them. Egypt exercised its right under the Constantinople Convention to inspect all shipping, and a half dozen navies cooperated in locating and destroying the mines. Saudi Arabia received US assistance in sweeping its ports of Jidda and Yanbu.\textsuperscript{264}

A UN-sponsored ceasefire in the land war supposedly lasted from June 1984 to March 1985. The belligerents agreed to stop attacks on civilian population centers.\textsuperscript{265} Iran proposed that the truce include Gulf shipping as well, and Iraq insisted that any agreement must allow it to repair or replace its Gulf oil export facilities. Impasse resulted.\textsuperscript{266} Kuwait also negotiated with the Netherlands to buy mine-hunting ships;\textsuperscript{267} a UK order had forbidden export of small boats and boat parts.\textsuperscript{268}

The UN Secretary-General report mandated by Resolution 552 included States' concerns over incidents since June 4. The report, later supplemented, expressed International Transport Workers Federation (ITF) "deep concern" over "serious escalation of attacks on innocent and neutral merchant ships and their crews" in the war. The International Chamber of Shipping (ICS) chair and the President of the International Shipping Federation (ISF) also declared that merchant shipping attacks "had led to much loss of life and to the destruction and damage of many
vessels; they appealed to the Secretary-General and the [UN] to continue efforts to end the attacks.” The Secretary-General brought these concerns and Resolution 552 to the belligerents’ attention.269

6. 1985: War of the Cities Renewed; The Tanker War Continues; Heightened Responses.

In 1985 the truce was broken; the War of the Cities was renewed.270 In April European heads of State issued a declaration asking for the war to end and for belligerents to stop using chemical weapons; at the same time, however, large shipments of European arms began arriving in Iraq.271 Iraq successfully renewed attacks on Kharg and Iranian tankers; Iran restarted a campaign against neutral tankers with less success.272 By the end of 1985 “the tanker war had [become] the most important feature of the Iran-Iraq War.”273 In June 1985 Iran had intercepted and detained Al-Muharaq, a Kuwaiti-flag ship Kuwait bound but supposedly carrying “5 tonnes of merchandise clearly intended for Iraq.” Iraq had been using Kuwait as an entry port for goods since the beginning of the war.274 (It was only in late 1987 and early 1988 that Iran enacted a prize law; this ex post facto legislation was justification for seizure of Al-Muharaq and other Kuwait-bound ships.)276 In September Iran’s visit and search procedures, looking for strategic materials for Iraq, were stepped up. Although Iran could not (or chose not to try to)277 close Hormuz by military action, Iran might succeed in scaring off enough shipping to make a difference,278 since oil sales financed Iraq’s war effort, and it had to ship through the Gulf, being denied Mediterranean Sea pipeline access except through Turkey.279 Iranian crude was now being ferried in Iranian tankers from Kharg to Sirri Island in the lower Gulf, where it was stored in “mother” ships for transfer to customers’ tankers. Iranian tanker shuttles also operated between Kharg and Lavan Island in the lower Gulf.280 Iran also established a helicopter base on its offshore Reshadat oil platform 75 miles from the Qatari coast.281 Iran was also beginning to feel the pinch of seriously depleted stocks of replacement parts, particularly for its air force.282

The August 1985 Casablanca Arab League summit supported prior resolutions favoring Iraq. “It was against this background that Baghdad mounted its effective air strikes against Kharg oil terminal.”283 Algeria, Lebanon, Libya, South Yemen and Syria boycotted the meeting; in June 1985 Libya and Iran had signed a Strategic Alliance Treaty. These moves were seen as evidencing growing division in the Arab world over the war.284 Turkey continued to support Iraq, the United States had formally restored diplomatic relations with Iraq in November 1984, and the US-Iraq trade became three times (at $1 billion), that of the USSR with Iraq. Direct links between the US embassy in Baghdad and the United States were established.285 France continued as a major supplier for Iraq, although she also supplied Iran. China was Iran’s major supplier through North Korea, but it too supplied
Iraq, through Egypt. Iran was becoming more isolated, however.\textsuperscript{236} At the same time Soviet sales to Iraq increased, the USSR reduced oil imports from financially strapped Iran.\textsuperscript{237}

Because of the belligerents' actions, the United States published this NOTMAR \textit{Special Warning} in September 1985:

1. U.S. Mariners are advised to exercise extreme caution when transiting the . . . Gulf which are becoming increasingly dangerous due to continued attacks on vessels outside the military zones declared by Iran and Iraq.

2. In view of recent Iranian visit, search, and in some cases seizure of vessels of third countries within the . . . Strait of Hormuz, and the Gulf of Oman, U.S. mariners are advised to exercise extreme caution and to be alert to possible hazardous conditions, including hostile actions, when transiting these waters.

3. . . . Iran . . . has issued guidelines for the navigational safety of merchant shipping in the . . . Gulf, the relevant portions of which are . . . :

---After transiting . . . Hormuz, merchant ships sailing to non-Iranian ports should pass 12 miles south of Abu Musa Island; 12 miles south of Sirri Island; south of Cable Bank Light; 12 miles south of Farsi Island; thence west of a line connecting the points 27-55N, 49-53E, and 29-I0N, 49-12E.; thence south of the line 29-I0N, as far as 48-40E.

---All Iranian coastal waters are war zones.

---All transportation of cargo to Iraqi ports is prohibited.

---. . . Iran . . . will bear no responsibility for merchant ships failing to comply with the above instructions.

4. Deep draft shipping should be aware of shoal waters south of Farsi Island.

5. . . . Iraq . . . has stated that the area north of 29-30N is a prohibited war zone. It has warned that it will attack all vessels appearing within a zone believed to be north and east of a line connecting the following points: 29-30N, 48-30E, 29-25N, 49-09E, 28-23N, 49-47E, 28-23N, 51-00E . . . Iraq . . . has further warned that all tankers docking at Kharg Island regardless of nationality are targets for the Iraqi Air Force.

6. In view of continued hostilities between Iran and Iraq and recent acts of interference or hostility against vessels of their countries, U.S. mariners are advised, until further notice, to avoid Iranian or Iraqi ports and coastal waters and to remain outside the areas delimited in paragraphs 3 and 5 above.

The NOTMAR added that the United States did not recognize the validity in law of any foreign rule, regulation or proclamation so published.\textsuperscript{238} "While the United States obviously recognized provocations by both sides . . . , it . . . regarded Iranian attacks against neutral shipping as the major problem. [US] policy regarding the war was to avoid military involvement, if possible, while providing friendly Gulf States with [means] . . . to defend themselves."\textsuperscript{239} For example, while asserting freedom of the seas and straits transit passage policies, the United States offered to work with the GCC and to help it militarily if aid was requested publicly and there was access to suitable facilities.\textsuperscript{240}
appeared to be improving. Individual GCC members' policies continued as before, however. Saudi Arabia and Kuwait aided Iraq with $4 billion in 1984, and late that year Iranian aircraft penetrated the Saudi ADIZ and hit a Kuwait-bound freighter. There was an assassination attempt on the Kuwaiti emir in May 1985, said to have been fomented by Iran. The United Kingdom announced a $3-4 billion sale of combat aircraft to Saudi Arabia. The UAE mostly continued to support Iran, with $1 billion in trade between them. The UAE was concerned about its offshore oil facilities, which pumped two-thirds of its oil. Moreover, 20 percent of its population were Shiites.

In October 1985 France began defending French-flag merchantmen. A French warship positioned itself between the *Ville d'Angers* and an Iranian warship, warning the Iranian that it would use force if the Iranian tried to intercept *Ville d'Angers*. French ROE declared that French warships would fire on forces refusing to break off attacks on neutral merchant ships; the result was a drop in attacks near French men-of-war.

7. 1986: Boarding of Merchant Ships; Attacks on Shipping and Port Facilities.

On January 12, 1986 Iran boarded and searched the *President Taylor*, a US-flag vessel. The United States acknowledged a belligerent's right to board and search but cautioned about overstepping rights and norms, "and even violence, inherent in all ship search incidents." Later that month the UK justified Iranian interceptions and seizures of UK-flagged merchantmen as self-defense. The Netherlands recognized the right of visit and search but only for ships proceeding to and from belligerents' ports. In April 1986 a US destroyer warned an Iranian warship off what may have been a planned boarding of *S.S. President McKinley*, a US flag merchantman.

In February 1986 Security Council Resolution 582 called for a ceasefire; it "deplored[d] the escalation of the conflict, especially territorial incursions, the bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict and, in particular, the use of chemical weapons contrary to... the Geneva Gas Protocol." That month Iraq extended its exclusion zone up to an area close to Kuwaiti territorial waters. Also in that month, the United States concluded its agreement with the United Kingdom for use of Diego Garcia as a naval support facility.

In May, after more Iranian strikes on shipping, the United States reaffirmed a commitment to Saudi self-defense, freedom of navigation, free flow of oil, and open access through Hormuz. That day Iran warned that its naval forces would attack US warships escorting or convoying cargo ships carrying cargo for Iraq or which tried to interfere with Iran's interception procedures. A US May 14 NOTMAR advised:
1. U.S. naval forces operating in international waters within the... Gulf, Strait of Hormuz and the Gulf of Oman and the Arabian Sea north of twenty degrees north are taking additional defensive precautions against terrorist threats. All surface and subsurface ships and craft are requested to avoid closing U.S. forces closer than five nautical miles without previously identifying themselves. U.S. forces especially when operating in confined waters, shall remain mindful of navigational considerations of ships and craft in their immediate vicinity. It is requested that radio contact with U.S. naval forces be maintained on [designated frequencies] when approaching within five nautical miles of U.S. naval forces. Surface and subsurface ships and craft that close U.S. naval forces within five nautical miles without making prior contact and or whose intentions are unclear to such forces may be held at risk by U.S. defense measures.

2. These measures will also apply when U.S. forces are engaged in transit passage through... Hormuz or when in innocent passage through foreign territorial waters and when operating in such waters with the approval of the coastal State.

The Notice was published “solely to advise that measures in self-defense will be exercised by US naval forces...[and] will be implemented in a manner that does not impede the freedom of navigation of any vessel or State.”

In August Iraq bombed Iran’s Sirri oil terminal for the first time; a UK-registered, Hong Kong-owned tanker was badly damaged. By that month Iraq had hit five of the 11 shuttle tankers operating between Kharg and Sirri. Iran’s Lavan and Larak oil terminals were bombed later that year. In September 1986 Iranian warships fired on, stopped and searched a USSR merchantman, Pyotr Emtsov, Kuwait bound with arms ultimately destined for Iraq. During 1985-86 Iran inspected over 1000 vessels. In October Security Council Resolution 588 called for compliance with Resolution 582. In November Iraq bombed the UAE Abu al-Bukhosh off-shore oil installations. The 1986 Iraqi attacks reduced Iranian oil production considerably; a fall in world oil prices aggravated Iran’s economic straits.

A November 20 US International NOTAM reported Iranian airspace was closed to US-flag aircraft and that...
In that month UK naval presence increased due to increased attacks on neutral shipping.\textsuperscript{312}

Iraq began to default on foreign loans, but its leading creditors—the FRG, France, Japan and Turkey—rescheduled debts, along with India and Yugoslavia. By 1986 Iraq's pipeline through Saudi Arabia was in operation, and another through Turkey was under construction. Oil sales from these conduits would reassure creditors.\textsuperscript{313} The USSR began a massive military support program of $4.9 billion for 1986, compared with $4 billion for the previous year, for Iraq. However, in August Saudi Arabia had to abandon its price-war strategy at the Organization of Petroleum Exporting Countries (OPEC), which helped its relations with Iran.\textsuperscript{314} The Soviet Union, under Mikhail Gorbachev’s leadership, appeared to begin a new policy toward the war, resolving to ending it by expanding diplomatic contacts with Iran. Nevertheless USSR arms sales to Iraq continued until the end.\textsuperscript{315} By the next year the Soviet Union was in effect underwriting much of the Iraqi defense effort.\textsuperscript{316} Although not known at the time, US arms sales to Iran through Israel in what came to be known as the Iran-Contra affair began about then.\textsuperscript{317} A Danish-flag vessel, \textit{Else-HT}, made voyages with these goods on board in May and June from Eilat, an Israeli port on the Gulf of Aqaba and near Jordan’s Port of Aqaba, to Bandar Abbas.\textsuperscript{318} After an Iranian attack on a UK merchantman in September, Britain closed Iran's military procurement office in London. Britain was Iraq's second largest nonmilitary supplier.\textsuperscript{319} UK companies helped with tools and parts too.\textsuperscript{320}


In late January 1987 the ICO met in Kuwait and heard the UN Secretary-General call for an international panel to determine war guilt. Iran boycotted the meeting. The United States moved six warships, usually based in Bahrain, to the upper Gulf to provide naval cover for the meeting.\textsuperscript{321} About then an Italian yard delivered two corvettes and a support ship to Iraq; they sailed for Alexandria, Egypt, en route to Umm Qasr, an Iraqi port. Warned of a possible Iranian Silkworm attack, they returned to Italy.\textsuperscript{322} In March 1987 the United States expressed concern over Iran’s testing 1100-pound warhead, 85 kilometer range, PRC-manufactured Silkworm missiles in the Gulf. Kuwait became increasingly concerned about Iranian attacks on its tankers and requested Soviet and US protection. Internationalization of the Tanker War was “exactly what [Iran] wanted to avoid, but ... that is precisely what happened.” The war had entered a new phase.\textsuperscript{323} (A US congressman also suggested mining Iranian ports to force it to stop its attacks in the Gulf.)\textsuperscript{324} In April Iran delivered a note through Algeria concerning the right of transit passage through the Strait of Hormuz. The US response rejected an Iranian claim that LOS Convention
principles were contractual and not customary in nature, saying the LOS Convention represented longstanding customary law. The United States also "rejected... any claim by Iran of a right to interfere with any vessel's lawful exercise of the right of transit passage in a strait used for international navigation."[325]

In May Kuwait and the United States completed negotiations leading to transfer of 11 tankers owned by Kuwaiti Oil Tanker Co. (KOTC), the Kuwaiti State shipping company, from the Kuwaiti to the US flag. This preempted the USSR, which had to settle for chartering three tankers to Kuwait; these charters were later renewed into 1988.[326] The Soviet Union was "deliberately vague on the question of military protection."[327] The UK position, stated in Parliament after the first US convoy sailed, was that vessel owners were free to reregister their vessels as long as national requirements were met, and that with reregistration went an obligation for the Royal Navy to defend these vessels.[328] Three KOTC tankers were later reregistered in Britain.[329] The USSR kept its arrangement with Kuwait in perspective; a rapid Soviet naval buildup in the Gulf might prompt a much greater US naval presence and might provoke GCC concerns about the USSR, both contrary to Soviet interests.[330] In June 1987 a Soviet Deputy Foreign Minister said the USSR had no intention of increasing its naval force in the Gulf.[331] Although as-sailed in some quarters, most commentators felt US reflagging comported with international law.[332] Iran tried to persuade Kuwait to stop the reflagging process; when this failed, Iran declared that Kuwait had practically turned itself into an Iraqi province with its resources at the disposition of France, the USSR and the United States. Iran said it could not allow Iraq to receive guaranteed oil income to beef up its war machine through Kuwaiti tankers flying other flags.[333]

At about this time an Iranian patrol boat fired on and damaged a Soviet merchantman, Ivan Koroteav. In mid-May a Soviet tanker chartered to Kuwait, Marshal Chuykhov, hit a mine which the USSR said Iran laid. A second Kuwait-bound tanker was mined on June 19. Mines were detected in approaches to the channel leading to Kuwait's Mina Ahmadi terminal.[334] Mines began appearing throughout the Gulf. Iranian small boats, Revolutionary Guards crewed, laid them just before a preselected vessel arrived in the area.[335] The Saudi and US navies took a month to clear the channel to Kuwait and its approaches.[336] A Soviet response to attacks on its merchantmen was to deploy three more minesweepers to the Gulf.[337]

On May 17 two Iraqi fighter-launched Exocet missiles hit the frigate U.S.S. Stark, presumably unintentionally. There were deaths and injuries among its crew and severe damage to the ship.[338] (In 1989 Iraq paid US claims for the Stark attack.)[339] There is no report of the extent of pollution resulting from loss of bunker fuel; this appears to be true for later attacks on naval vessels in engagements. The United States added three ships to MIDEASTFOR, ordered its forces to a higher state of alert[340] and revised its Rules of Engagement (ROE) for possible interactions between US and Iraqi forces and anyone else displaying hostile intent or
committing hostile acts. 341 UK ROE continued to reflect Britain's view that the UN Charter, Article 51, governed UK responses. 342 "The rules of engagement [were] intended to avoid escalation, although the varied nature of potential threat and the possibility of surprise attack [were] recognized and the inherent right of self-defence of Royal Navy ships or British merchant vessels under their protection, is not circumscribed or prejudiced." The result would have posed "interesting questions" if a UK warship could have defended UK merchantmen or British-crewed ships. One "practical solution" might have been that attack on a merchant ship "might reasonably [have been] perceived as an attack on the warship as well. In that situation, the warship [would] be able to defend itself and in doing so defend the merchant vessel accompanying it." 343 The nature of other naval participants' ROE have not been published, but undoubtedly they reflected, or were limited by, States' views on the scope of self-defense, national policies, and defense capabilities. 344

The US ROE had their complement in a July 1987 US NOTAM and NOTMAR:

A. In response to the recent attack on ... Stark and the continuing terrorist threat in the region[,] U.S. naval vessels operating within the ... Gulf, Strait of Hormuz, Gulf of Oman and the Arabian Sea, north of 20 degrees north, are taking additional defensive precautions. It is requested that aircraft (fixed wing and helicopters) approaching U.S. naval forces establish and maintain radio contact with U.S. naval forces on [designated frequencies]. Unidentified aircraft whose intentions are unclear or who are approaching U.S. naval vessels may be requested to identify themselves and state their intentions as soon as they are detected. ... [T]o avoid inadvertent confrontation, aircraft ... including military aircraft may be requested to remain well clear of U.S. vessels. Failure to respond to requests for identification and intentions or to warnings and operating in a threatening manner could place the aircraft at risk by U.S. defensive measures. Illumination of a U.S. naval vessel with a weapons fire control radar could result in immediate U.S. defensive reaction.

The notice was published "solely to advise that measures in self-defense are being exercised by US naval forces in this region." The NOTAM/NOTMAR closed: "[T]hese measures will be implemented in a manner that does not unduly interfere with the freedom of navigation and overflight[.]..." 345 This Notice was revised in September 1987:

In response to the recent attack on ... Stark and the continuing terrorist threat in the region, U.S. naval vessels operating within the ... Gulf, Strait of Hormuz, Gulf of Oman, and the Arabian Sea, north of 20 degrees north, are taking additional defensive precautions. Aircraft (fixed wing and helicopters) operating in these areas should maintain a listening watch on [certain frequencies]. Unidentified aircraft, whose intentions are unclear or who are approaching U.S. naval vessels, will be contacted on these frequencies and requested to identify themselves and state their intentions as soon as they are detected. ... [T]o avoid inadvertent confrontation,
aircraft . . . including military aircraft may be requested to remain well clear of U.S. vessels. Failure to respond to requests for identification and intentions, or to warnings, and operating in a threatening manner could place the aircraft . . . at risk by U.S. defensive measures. Illumination of a U.S. naval vessel with a weapons fire control radar will be viewed with suspicion and could result in immediate U.S. defensive reaction. This notice is published solely to advise that measures in self-defense are being exercised by U.S. naval forces in this region. The measures will be implemented in a manner that does not unduly interfere with the freedom of navigation and overflight . . .

U.S. naval forces in the . . . Gulf, Strait of Hormuz, Gulf of Oman, and Arabian Sea (North of 20 Degrees North) are taking additional defensive precautions against terrorist threats. Aircraft at altitudes less than 2000 ft AGL which are not cleared for approach/departure to or from a regional airport are requested to avoid approaching closer than 5nm to U.S. naval forces.

It is requested that aircraft approaching within 5nm of U.S. naval forces establish and maintain radio contact with U.S. naval forces on [designated frequencies]. Aircraft approaching within 5nm at altitudes less than 2000 ft. AGL whose intentions are unclear to U.S. naval forces may be held at risk by U.S. defensive measures. . . . 346

This was a much stronger statement of intentions than the Notice of a year earlier. 347 "In the wake of the Kuwaiti reflagging, it was (perhaps deliberately) left unclear as to how far the [US] protective umbrella was to extend." Promises of escort for U.S.-flagged ships would "depend . . . on the situation" as well as for foreign flag shipping in certain cases. 348 The US reaction may have been partly due to media reports of Iran's training 20,000 Revolutionary Guards to attack US ships in fast Swedish-built "pleasure boats." 349

In July the US Navy began convoying reflagged tankers. 350 Previously the United States "had found intermittent convoys an effective deterrent to Iranian action. Indeed, Iran refrained from harassing ships carrying other flags when they sailed in the vicinity of US warships." 351 Only a small percentage of tankers plying the Gulf were convoyed, however. 352 Reflagged tankers carried no contraband to or oil from Iraq. 353 On July 24 the reflagged Bridgeton and on August 10 the Texaco Caribbean, under charter to a US company, hit mines; the Navy began providing mine protection. 354 (Although US Navy destroyer types had escorted Bridgeton to Kuwait, the Navy outfitted Kuwaiti commercial tugs with minesweeping gear for the return trip. When civilian tug crews refused to undertake minesweeping, Navy volunteers manned the tugs for the return. 355 "[T]he Bridgeton" incident opened a chapter of direct US-Iran naval confrontation in the Gulf. 356 Whether a result of deliberate Iranian decision or Iranian Revolutionary Guard fervor, mines began appearing all over the Gulf and outside the Gulf, in the Strait of Hormuz and Gulf of Oman, and in Kuwaiti and Omani territorial waters. French and UK naval
operations expanded to meet the threat in the latter areas. In late August U.S.S. Guadalcanal rescued an Iraqi fighter pilot downed by an Iranian air-to-air missile in international waters. He was repatriated through Saudi Red Crescent Society officials. There is no record of Iranian consent or protest.

The UK Armilla Patrol began “accompanying” but not escorting or convoying UK merchantmen; one result was that foreign vessels were attracted to UK registry to gain protection, at least in the lower Gulf, where there were new mine threats. British vessels were not armed against attacks; UK seafarer unions opposed arming. Italy opposed it as a matter of policy too. After Iranian forces attacked a French flag cargo ship, Ville d’Anvers, France broke off diplomatic relations. However, even with reinforced naval presence, it could not organize convoy protection on the US model and relied on a policy of accompanying French flag ships. The USSR sent a Krivak class frigate to escort four Soviet ships carrying arms from the Strait of Hormuz to Kuwait for ultimate destination in Iraq, a signal to belligerents that the USSR would protect Soviet-flag ships. Some merchantmen began to carry chaff canisters to confuse incoming missiles; others were repainted dull, non-reflective gray for the same reason. Although most merchant ships remained unarmed, a US helicopter reported coming under missile fire from a Greek ship. Iran reportedly completed testing its Silkworm missiles. Press reports said Iran’s air force had established a suicide plane squadron to attack merchant shipping like the World War II Japanese kamikaze flights. Iran began three days of naval maneuvers in the Gulf, dubbed Exercise Martyrdom, which involved firing a shore-to-ship missile and ramming a speedboat loaded with explosives into a dummy naval target. Some Iranian naval maneuvers were in Saudi territorial waters. Besides traditional boardings, Iran began using helicopters for visit and search. The Gulf was becoming a more dangerous place as actors crowded the arena and employed new techniques for old methods and new technologies.

Two US warships’ Sparrow missiles shot at a radar target suspected of hostile intent missed, and warning shots were fired across two dhows’ bows in August. The US Navy, claiming a right of self-defense, captured the Iranian landing ship Iran Ajr caught laying mines in September. Three Iranian crew died, two were lost at sea, and the United States repatriated 26 crewmen to Iran through Omani Red Crescent auspices five days later. Shortly thereafter they were turned over to Iranian officials, along with the remains of the three who had died. It is not known whether Iraq consented or objected to these arrangements. Iran asserted that self-defense could only be claimed in response to an armed attack and that this was aggression. It also promised revenge and gave an “explicit warning” that it would soon be engaged on another front. However, the US attack “effectively halted Iranian minelaying for six months.” But by mid-1987 Iranian aircraft, helicopters, small boats and warships had attacked over 100 ships of 30 nationalities.
Iraq had attacked over 200 vessels, mostly Iranian owned or chartered. In late May 1987 the USSR had sent three minesweepers to join two frigates that had patrolled the Gulf since 1986; this was in response to Iranian mining of Soviet-flag ships.

The June 1987 Venice Economic Summit had “agree[d] that new and concerted international efforts [were] urgently required to bring the Iran-Iraq War to an end.” Besides calling upon the belligerents to end the war and supporting the United Nations, the Summit “reaffirm[ed] that the principle of freedom of navigation in the Gulf is of paramount importance for us and for others and must be upheld. The free flow of oil and other traffic through the Strait . . . must continue unimpeded.” The Summit pledged to consult on ways to pursue these important goals effectively.

In July unanimous UN Security Council Resolution 598

Deplor[ed] . . . bombing of purely civilian population centres, attacks on neutral shipping or civilian aircraft, the violation of international humanitarian law and other laws of armed conflict, and . . . use of chemical weapons contrary to . . . the 1925 Geneva Gas Protocol, . . . Demand[ed] that belligerents] . . . observe an immediate cease-fire [and] Call[ed] upon all other States to exercise the utmost restraint and to refrain from any act which may lead to further escalation and widening of the conflict . . .

The Resolution also declared for the first time during the war that there had been a breach of the peace and that the Council was acting under the UN Charter, Articles 39-40. Iraq accepted Resolution 598 on July 23. On September 3 the 12-member European Community supported Resolution 598, “strongly condemn[ing] recent attacks on merchant ships in the Gulf and reiterat[ing] . . . firm support for the fundamental principle of freedom of navigation, which is of the utmost importance to the whole international community.”

On August 3 Iran had announced it planned naval maneuvers in its territorial waters in the Gulf and in the Gulf of Oman, warning all vessels, commercial or military, against approaching these waters. Iraq protested, noting that Iranian territorial waters included part of the Strait of Hormuz and waters between the Tunb and Forur islands, claiming that under the 1982 LOS Convention, Article 38(1), and the 1958 Territorial Sea Convention, Article 16(4), that Iran could not suspend passage through international straits, and that the International Maritime Organization (IMO) had declared shipping lanes passing close to Tunb and Forur.

By the end of July US Navy escorts had been receiving informal cooperation from France and Britain and support and assistance from Saudi Arabia and other GCC States. In July and August France ordered its aircraft carrier Clemenceau to the Gulf; France’s prime minister declaring, “We have no aggressive intentions, but we want to be respected and we will be respected.” In August, Britain and
France agreed to send minesweepers to the Gulf, and by September Italian, Belgian and Netherlands ships, the latter to operate jointly with Armilla Patrol protection, were on the way. Saudi Arabia committed its four minesweepers to clearance operations. On August 20, the Western European Union (WEU) declared Europe's vital interests required that freedom of navigation in the Gulf be assured at all times. The capacity of WEU members to consult on this policy "was all the more important[,] given a previous record of disunity." By now Iran had lost the international diplomatic leverage it had been cultivating for the previous three years.

On October 8, Iranian speedboats fired on US helicopters; in accordance with US self-defense principles and ROE, the helicopters returned fire, sinking one boat and damaging others. Iran claimed the US helicopters fired first and vowed a "crushing response." Some argued it was a "carefully calculated reprisal." US Navy personnel rescued six Iranian Revolutionary Guards boat crew members; two died aboard U.S.S. Raleigh. Survivors and remains were returned to Iran through Omani Red Crescent auspices. It is not known whether Iraq consented or objected to repatriation. Later that month the United States, claiming self-defense, responded to an Iranian Revolutionary Guards Silkworm attack in Kuwaiti territorial waters on a US flag tanker, Sea Isle City, by destroying the Iranian Rostum offshore oil platform in the southern Gulf. Sea Isle City's master, a US national, was blinded in the attack. When the attack on Sea Isle City occurred, it was not under US Navy convoy; convoying ceased when vessels reached Kuwaiti territorial waters. Rostum was a Guards gunboat communications base and was not directly involved in the Silkworm strike. Those manning it were given time to evacuate before the attack began. Rostum apparently was not engaged in oil production; therefore, the attack did not create a threat to the environment. The US strike was stated to be in specific response to the Sea Isle City attack; connection with an Iranian attack on the Sungari, which had occurred a day before Sea Isle City was hit, was avoided. Although Sungari was beneficially US owned, it was Liberian flagged. Iran claimed the platform attacks were aggression and that self-defense could only be asserted in response to armed attack. (US import controls on Iranian goods were said to be a reason for the attacks. There is some evidence Iran was aiming at oil tankers in the Kuwaiti port of Al-Hamadi, where Kuwaiti and Saudi oil donated to Iraq was being lifted to pay for ammunition shipped to Iraq through the Port of Aqaba.) US response for the Sea Isle City Silkworm attack, and not for the Sungari attack, established some precedent that at this time the United States did not consider open registry ships, even if owned by US interests, to have enough connection to merit protection. This view changed as the war deepened, at least where US nationals were in the crew. There were no more confrontations with the United States for the next six months as a result of the US response on Rostum. Iranian Guards speedboats continued to harass...
unprotected shipping; four days after the US response to the Sea Isle City attack, Iran hit the Kuwaiti deep-water Sea Island Terminal. Iran made it clear that this action was intended as retaliation for the Rostum attack.

This exchange of blows was notable because of Iran's care not to attack the US directly but to target its regional allies. The most Iran did was to probe the extent and scope of the US commitment... to find the weak links, the grey areas. Yet it did over-reach itself when it was caught red-handed in minelaying, thus unwittingly providing ammunition to those who argued that it was Iran that constituted a menace to the freedom of navigation... It found the impulse to defy the United States, whatever the consequences, irresistible, providing the [Iranian Islamic] revolution with the high drama that it so cherished, even at the risk of diverting from the principal issue—the land war. Iranian leaders were confident that the US presence could not last forever, that sooner or later the expense of the enterprise and the distraction of other issues... would see a withdrawal of the US fleet.

Future events would prove this assessment to be incorrect. By the end of 1987 Western naval presence in the Gulf appeared more durable than might earlier have been expected. However, for the time being Iran continued to see its strategy paying off, weakening US credibility with its Gulf allies, exasperating its military, and drawing the United States from impartiality to messy partisanship.

In November, an Arab League Extraordinary Summit "expressed anxiety at the continuation of the war and voiced... indignation at [Iran's] intransigence, provocations and threats to the Arab Gulf States." The Summit "condemned Iran's... procrastination in accepting... Resolution 598...[and] called on Iran to accept the Resolution and implement it in toto..." The Summit asked the international community to "shoulder its responsibilities, exert effective international efforts and adopt measures adequate to make [Iran] respond to the calls for peace." Iraq's accepting Resolution 598 and positive response to peace initiatives was appreciated. It confirmed support for Iran's defending its territory and "legitimate rights" but declared solidarity with Kuwait and Saudi Arabia as to Iranian threats, aggression and violations of holy places. A few days later Iranian speedboats shot up three tankers carrying Saudi oil, but Syrian pressure succeeded in getting Iran to refrain from hitting targets in Kuwait. Iran's president visited the United Nations to discuss a peace plan. However, UN diplomatic activity was to stop by early 1988. Nevertheless, the Secretary-General continued to press Iran to accept the UN proposal. It was only in October 1987 that Iran and Iraq formally broke off diplomatic relations, a further sign of polarization.

During that month a US warship fired on a UAE fishing vessel, resulting in a death and three injured crew; the United States said it fired in self-defense but expressed regret over the incident, which had occurred between the UAE coast and Abu Musa, from which Iranian speedboats carried out Gulf shipping raids. The United States was particularly concerned about small boats; Iran had been
conducting naval maneuvers in its exclusion zone and territorial waters, including simulated speedboat attacks on suicide runs. In December a US warship helped rescue a Cypriot crew after an Iranian gunboat attack set their tanker ablaze. Tanker masters began tailing convoys or simulating them during night steaming. During that month *H.M.S. Scylla* and *York* protected merchant ships from Iranian speedboat attacks.

On December 11, NATO Council “Ministers underlined the importance of an early and full implementation of [Resolution] 598. They also recalled the importance of freedom and security of navigation in the Gulf. They called for appropriate follow-up action... to resolve these problems.” Late in December a GCC conference confined itself to expressing “deep regret at the destructive war...and urging the UN Security Council to implement Resolution 598 as soon as possible.”

Part of this was due to Omani and UAE opposition, caused by the geography that compelled Oman and Iran to patrol Hormuz jointly, and the UAE’s financial affiliation with Iran. The growing risk to neutral shipping increased trade through the UAE, where goods would be shipped overland. Sentiment against an arms embargo directed toward Iran was the same in the GCC and the Security Council. Nevertheless, the December GCC Summit approved a comprehensive security strategy that may have amounted to a collective self-defense pact. However, some governments, notably China, France, the FRG and the USSR, were persuaded that Iran’s not rejecting Resolution 598 meant Iran might be genuinely interested in a negotiated settlement to end the war. Permanent Security Council members (China, France, USSR) would veto any US-sponsored resolution to impose sanctions.

Meanwhile, the USSR and the United States continued to support Iraq, the Soviet Union through military supplies, the United States by $961 million in agricultural commodity credits in 1987. The USSR and its Eastern European satellites continued to send negligible amounts of military equipment to Iran, but there was no question about the USSR’s priorities.


A January 2, 1988 US NOTMAR reflected the intensity of the situation:

1. U.S. mariners are advised to exercise extreme caution when transiting the... Gulf, the Strait of Hormuz, and the Gulf of Oman, due to hostilities between Iran and Iraq. Mariners are further advised to avoid Iranian or Iraqi ports and coastal waters and to remain outside the areas delimited in paragraphs 2 and 3 below until further notice.

2. Iran has stated:
   A. Iranian coastal waters are war zones.
   B. Transportation of cargo to Iraqi ports is prohibited.
C. Guidelines for the navigational safety of merchant shipping in the ... Gulf are ... : after transiting ... Hormuz, merchant ships sailing to non-Iranian ports should pass 12 miles south of Abu Musa Island; 12 miles south of Sirri Island; south of Cable Bank Light; 12 miles south of Farsi Island; thence west of a line connecting the points 27-55N. 49-53E. and 29-10N. 49-12E.; thereafter south of the line 29-10N. as far as 48-10E.

D. ... Iran disclaims any responsibility for merchant ships failing to comply with the above instructions.

E. Iranian naval forces patrol the Gulf of Oman up to 400 kilometers from the Strait of Hormuz.

3. Iraq has stated:
   A. The area north of 29-30N. is a prohibited war zone.
   B. It will attack all vessels appearing within a zone believed to be north and east of a line connecting the following points: 29-30N. 48-30E., 29-25N. 49-09E., 28-23N. 49-47E., 28-23N. 190-00E.
   C. All tankers docking at Kharg Island regardless of nationality are targets for the Iraqi Air Force.

4. Several vessels have suffered damage from moored or floating mines in the ... Gulf. U.S. mariners should exercise caution in navigable waters throughout the Gulf region and particularly in the following areas where moored mines have been encountered:
   A. The Mina Al Ahmadi/Mina Ash Shu‘aybah Channel (28-56N. 48-53E.) and its approaches.
   B. The shipping channels south and west of Farsi Island.

5. Mariners should be aware that Iranian naval forces visit, search and in some cases seize or divert to Iranian ports vessels of non-belligerents in the Persian Gulf/Gulf of Oman region.

The United States took no position on the zones’ legal validity. During 1987 the belligerents had attacked 178 merchantmen. At the end of January 1988 Iran promulgated a prize law, article 3 of which declared the following to be war prizes:

(a) All goods, merchandise, means of transport and equipment belonging to a State or to States at war with ... Iran.
(b) Merchandise and means of transport ... belonging to neutral States or their nationals, or to nationals of the belligerent State if they could effectively contribute to increasing the combat power of the enemy or their final destination, either directly or via intermediaries, is a State at war with ... Iran.
(c) Vessels flying the flag of a neutral State as well as vehicles belonging to a neutral State transporting the goods set out in this article.
(d) Merchandise, means of transport and equipment which ... Iran forbids from being transported to enemy territory.

The Law provided that property listed in Article 3(a), i.e., property of a State at war with Iran, would become the property of Iran; Article 3(b) and 3(c) property, i.e., of neutrals would be confiscated and adjudicated. Article 3(d) means of transport
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would “become the property of... Iran or be confiscated according to circum-
stances. Any person contesting this must appear before the [prize] Tribunal.”

Iraqi attacks on tankers resumed February 10, 1988, after a month’s lull. The
War of the Cities began again on February 28, 1988; Iran shelled Basra after Iraq
bombed an oil refinery near Tehran. Iraq hit Halabja, an Iraqi town captured by
Iran, with chemical weapons in March. Later that month Saudi Arabia confirmed
buying 1600-mile CSS-2 ballistic missiles from the PRC. On March 30 Iranian
gunboats fired on a Kuwaiti military base on Bubiyan Island.

In early 1988 the United States noted willingness to consider a UN Gulf naval
force, if a collective action concept was spelled out clearly; the United States would
not support a UN force replacing US and US-aligned forces. The United King-
don was unenthusiastic, but Italy and the USSR supported the idea. The So-
viet Union wanted to replace the large Western naval presence with a UN
flotilla.

During this time there were clashes involving US naval forces, several with Iran
and one with Iraq. On April 14 U.S.S. Samuel B. Roberts, a frigate like Stark, hit a
mine in a field Iran laid in shipping lanes in international waters 70 miles east of
Bahrain. In response, on April 18, the United States engaged Iranian warships
and neutralized two Iranian oil platforms that had conducted or supported attacks
on neutral shipping. Occupants of the two oil platforms (Sassam and Sirri, both lo-
cated in the lower Gulf) were first given the opportunity to evacuate. Sirri had been
responsible for about eight percent of Iran’s oil exports. Iran saw the US response
(which represented an escalation in US military action) as siding with Iraq, per-
haps because Iraq reconquered al-Faw near Basra the day of the Sassan/Sirri attack.
Several Iranian naval units, including two frigates, were destroyed or damaged
during that operation. This engagement, dubbed Operation Praying Mantis,
was the largest combined air and surface engagement in war-at-sea for the US Navy
since World War II. Iran protested the platform attacks as aggression. The
United States rejected the protest. A few days later Iranian speedboats attacked
an oil rig in the UAE Mubarak oil field, operated by US interests, 30 miles north
of Sharjah, and a tanker and freighter that were nearby. While thus engaged the
boats were hit by US air strikes. Shipping and oil commerce in the southern
Gulf virtually stopped for two days. UK- and French-accompanied convoys were
temporarily halted. Some commentators trace the turning point in the war to
April 17-18, when Iran lost the Fao peninsula to Iraq and their warships to the US
Navy.

By now five NATO nations besides the United States—Belgium, Britain,
France, Italy, the Netherlands—had sent over 25 warships to the Gulf for escort
and mine suppression duty. The FRG, constitutionally restricted from sending
forces there, augmented its Mediterranean Sea NATO presence with four ships.
Norway sent a minesweep to NATO Channel Command; Luxembourg, which has
no navy, backed the Belgian-Dutch commitment financially. Australia and Japan, the latter also constitutionally limited, installed precise navigation transmitters in the Gulf and dispatched diver and mine disposal teams. The Netherlands Navy collaborated very closely with the Royal Navy. Belgium, Italy and the Netherlands probably would not have deployed forces except for WEU’s political cover. French forces, reflecting France’s longterm withdrawal from the NATO command structure, operated independently but cooperated with other navies, agreeing to consult within the WEU framework. Italy followed the same policy. WEU naval experts convened regular meetings in London to discuss the evolving threat. Even the USSR and US navies occasionally cooperated in finding and destroying Iranian mines. At about the same time Hans Dietrich Genscher, the FRG foreign minister, was emerging as representing Iranian interests in efforts to end hostilities through mediation. However, “the unprecedented international concern and focus on the war in the United Nations and in the Gulf’s waters, with the extraordinary and unprecedented participation of many European NATO States in an ‘out of area’ operation, ushered in a new phase” of the war. The multinational maritime naval operation was not, however, under the command of any State or States.

After Iranian gunboats attacked a Saudi-owned tanker off Dubai on April 24, on April 29 the United States announced it would begin assisting “friendly, innocent neutral vessels flying a nonbelligerent flag outside declared war exclusion zones that are not carrying contraband or resisting legitimate visit and search by a … Gulf belligerent. … Following a request from the vessel under attack, assistance [would] be rendered by a US warship or aircraft if this unit [was] in the vicinity and its mission permit[ted] rendering such assistance.” This incremental US escalation, partly in response to requests from Saudi Arabia, the UAE and US oil shippers navigating under foreign flags, was a more generous protection promise than Britain had announced in February, when UK policy shifted to protect foreign flag ships having a clear majority UK interest in ownership. This did not include Armilla Patrol protection for ships on which British seamen were employed. Although officially more conservative than the US policy, it was a distinction without a difference, since UK warships gave humanitarian assistance to neutral vessels after an attack and were prepared to interpose between an attacker and a target ship. The interposing warships were prepared to assert self-defense if attacked while helping a foreign vessel. France pursued a similar, perhaps more forward-leaning interposition policy. French warships were “available to assist [merchantmen] according to circumstances.” What French warships would do in a confrontation is less than clear; French ROE stated options, but these have not been published. Italian escort was limited to Italian-flag merchantmen, although Italian ROE promised response if a belligerent committed a hostile act; the ROE did not contemplate “repressive acts” directed toward bases of
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NATO countries agreed to provide mutual support and cooperation in keeping international waterways free of mines, although France operated separate mine clearance and Italy had separate bilateral arrangements for the work.

In May 1988 Iraqi air strikes hit Iran’s Larak oil terminal in the Strait of Hormuz. *Seawise Giant*, Liberian registered and the world’s largest supertanker, was among five ships damaged. Iran began a 10-day combined forces exercise in the Persian Gulf and the Gulf of Oman, to show that its maritime power was not as crippled as the United States had said.

The July 3 Airbus tragedy arose in the context of Iraqi speedboat attacks and concern over possible air attacks on US warships, or its supply barges anchored in Kuwaiti waters, perhaps to coincide with the Fourth of July. In April 1988, during Operation Praying Mantis, Iranian military aircraft had taken off from the nearby Bandar Abbas airport, also used by civil aviation. These aircraft appeared close to commencing attacks on US aircraft but did not. Other Iranian aircraft had exhibited “targeting behavior” while observing Praying Mantis events from afar, apparently to provide radar information, i.e., to possibly vector closer planes to targets. On July 2-3 Iranian speedboats positioned themselves at the western approach to the Strait of Hormuz to challenge merchant ships, a tactic that had been a prelude to attack. During the evening of July 2, *U.S.S. Elmer Montgomery* had responded to a distress call from a Danish tanker under Iranian speedboat attacks. That same day two Iranian F-14s came within seven miles of *U.S.S. Halsey*. Other F-14s were known to be at Bandar Abbas. After Montgomery heard challenges over the radio and many speedboats were seen approaching a Pakistani merchantman on July 3, *U.S.S. Vincennes* was sent to the area to investigate the Montgomery report. Vincennes’ helicopter was fired on by Iranian small boats, which “were deemed to have hostile intent.” Vincennes opened fire on the boats. Two minutes later, Iran Air Flight 655, a civil airliner, took off from Bandar Abbas for Dubai, across the Gulf, on a flight path through the area of the ongoing naval battle near Hormuz. Seven minutes later and after repeated radio warnings, and owing to Vincennes’ preoccupation with the ongoing surface action and misinterpretation of electronic information and commercial air schedules on board, Vincennes fired surface to air missiles that destroyed Flight 655. When Vincennes’ commanding officer gave the order to fire, in the middle of the surface melee, he “believed that the Vincennes and the Montgomery were the subject of a coordinated sea and air attack involving [Iranian] Revolutionary Guard speedboats and an F-14 aircraft.” The United States claimed a right of self-defense for the mistaken attack.

A week after the Airbus tragedy, US ship-based helicopters attacked Iranian gunboats that had set afire a Panama-registered, Japanese-owned tanker with US nationals in the crew, thus implementing the new US policy of defending other
countries' merchantmen upon their request and consistent with other US operational commitments.\textsuperscript{470}

By the end of the war the US Navy had conducted over 100 convoys in the Gulf.\textsuperscript{471} Other navies were also engaged in numerous escort operations.

On the diplomatic front, Saudi Arabia broke relations with Iran April 27, 1988, a few days after US actions against Iranian warships and speedboats.\textsuperscript{472} Perhaps more importantly, during that year a pipeline from Al-Zubair in Iraq to Yanbu in Saudi Arabia was completed, allowing Iraqi oil to flow to Yanbu, where it could be shipped to South Africa for hard currency or arms.\textsuperscript{473} Iraq may have also completed a smaller pipeline to Turkey that year, which with the Yanbu line would have boosted its oil exports to 3.2 million barrels a day, about the prewar peak level.\textsuperscript{474} This may have been a counterpoint to Iran's economic cooperation accord of the previous summer with the Soviet Union, by which the USSR agreed to build a pipeline to carry Iranian oil to the Black Sea. A shipping route in the Caspian Sea was settled. A second connection between airline and railway systems was also planned.\textsuperscript{475} However, Iran's economy was in a shambles, with only $1 billion in foreign exchange reserves left, after an upswing the year before. Part of this erosion was due to Iraqi bombing in the first quarter of 1988, which reduced oil production considerably.\textsuperscript{476}

In June 1988 a second Arab League Extraordinary Summit reaffirmed its 1987 stand on the war.\textsuperscript{477} On June 15 the European Community and the GCC issued a joint political declaration:

\begin{quote}
... They explicitly emphasized that freedom of navigation and unimpeded flow of trade is a cardinal principle in international relations and international law. In this context, they call upon the international community to safeguard the right of free navigation in international waters and sea lanes for shipping \textit{en route} to and from all ports and installations of the [Gulf] littoral States \ldots not parties to the hostilities.\textsuperscript{478}
\end{quote}

The June 20 Toronto Economic Summit supported Resolution 598, condemned use of chemical weapons, deplored proliferation of ballistic missiles in the region, and "renew[ed the Group of Seven] commitment to uphold \ldots freedom of navigation in the Gulf."\textsuperscript{479} By mid-June Britain and France had restored diplomatic relations with Iran. (The United States had severed relations with Iran during the hostage crisis,\textsuperscript{480} and these were not restored.) Saudi Arabia announced a $12-30 billion arms deal, including six to eight minesweepers, with Britain and bought 1600-mile ballistic missiles from China.\textsuperscript{481}

Iran announced acceptance of Resolution 598 on July 17\textsuperscript{482} on August 8 the UN Secretary-General announced a ceasefire effective August 20.\textsuperscript{483} The next day the Council approved the Secretary-General's report on the war and decided to establish UN Iran-Iraq Military Observer Group (UNIIMOG)\textsuperscript{484} to help the peace process.\textsuperscript{485} Withdrawal from occupied territories began, but the 1990-91 war
ended UNIIMOG's mandate. UNIIMOG seemed to have worked reasonably well during its short commission. Negotiations between Iran and Iraq with respect to their disputed border began simultaneously with the ceasefire and continued thereafter. These discussions broke down over Iraq's insistence that it should control the entire Shatt al-Arab waterway; neither side was prepared to compromise on this issue, and both refused a political solution. However, two weeks after Iraq invaded Kuwait in 1990, Iraq conceded most Iranian demands, agreeing to revert to the 1975 treaty providing for joint sovereignty over the Shatt and to return prisoners of war (POWs). These concessions had been Iranian peace conditions stated soon after the 1980 Iraqi invasion. No major exchanges of POWs, mostly captured ground forces but undoubtedly including naval personnel, came until 10 years later.

Iran announced on August 20 it would continue inspecting vessels during the ceasefire; this was a largely theoretical gesture, although Iraq protested it. The commitment of the European naval force was extended to clear 2000 mines from the northern Gulf and the Shatt al-Arab after the ceasefire. Operation Cleansweep has been hailed as the "culmination of a major pioneering landmark in European naval co-operation." There had been no coordination of merchant ship protection among WEU navies, however. The United States announced the end of escorted convoy operations in the Gulf in October 1988, although US forces would be positioned to act if US-flagged vessels were directly threatened. Later this was replaced by a monitoring system. In January 1989 "deflagging" procedures for reverting the tankers to the Kuwaiti ensign began. In March 1990 the last US Navy minesweepers came home. Increased US naval presence in the Gulf, resulting in over 100 convoys, was considered an "unqualified success;" other participating States gave their operations high marks. Iraq, deeply in debt to several Western States, Japan and the USSR, declared victory, and Iran felt skeptical relief, at the end of hostilities.

Part C. Conclusions

"The Iran-Iraq conflict was a major war, not a small war. For the only time since World War II, deliberate and sustained operations were carried out against merchant ships" by the belligerents. It was also one of the longest wars of the century, with a million casualties, mostly in the land campaigns. Perhaps virtually every Iraqi family lost a son, brother or father, or 150,000 killed among 400,000 casualties. An entire generation lost a decade of its life, and the country had only begun to face the social costs it would have to pay. For Iran, the war brought disillusionment and moderation in its Islamic fundamentalism and perhaps 300,000 dead. Direct and indirect economic costs of the war to Iran and Iraq came to about $1.2 trillion, plus another $1.1 trillion to rebuild their economies. "The total cost of the war exceed[ed] the oil revenue of the two States throughout the
Iraq’s booming prewar economy and rapid economic development may have been set back two decades, and a large non-Arab debt remained to slow economic recovery. Iraq’s foreign debt stood at $65 billion in 1985, with perhaps half owed GCC States; it had ballooned to $100 billion at the war’s end. Iraq’s only positive gain may have been in its armed forces; its ground forces were five times larger with 955,000 effectives at the war’s end; by 1988 Iraq had doubled its available tanks and aircraft. Nearly all of the increase in military hardware was due to Soviet aid. Counting reserves, Iraq had nearly all the working population of the country under arms. Iran also increased its total active military manpower, mostly in ground forces, but its mechanized units, combat aircraft, tanks, artillery and naval power were reduced considerably by the last years of the war.

It was a war that resolved nothing, changed little, toppled neither regime, and settled none of the underlying issues.

The 1990-91 Gulf War, beginning with Iraq’s invasion of Kuwait, began two years later and proves the point; there may be repetitions in the future. The key lesson to be learned from the war, according to Chaim Herzog, then President of Israel, was that no State can survive militarily in isolation. “The nations of the world are interdependent, and a major element in any middle and small nation’s military capability must . . . be based on its international economic and political standing. The . . . War proved that this must be a major and vital consideration in the defence of any country.”

The war at sea, while relatively less costly in terms of life and less important than the land, air and missile campaigns in terms of people involved, was a significant part of the conflict.

1. The Tanker War.

The Tanker War was the most important aspect of naval warfare during the conflict. It was the largest loss of merchant ships and mariners’ lives since the Second World War:

Throughout the eight year . . . War, Iran and Iraq . . . attacked more than 400 commercial vessels, almost all of which were neutral State flag ships. Over 200 merchant seamen . . . lost their lives. . . . [T]he attacks . . . resulted in excess of 40 million dead weight tons of damaged shipping. Thirty-one of the attacked merchants were sunk, and another 50 [were] declared total losses. For 1987 alone, the strikes
against commercial shipping numbered 178, with a resulting death toll of 108. In relative terms, by the end of 1987, write-off losses in the Gulf War stood at nearly half the tonnage of merchant shipping sent to the bottom in World War II. . . . [S]hips . . . of more than 30 different countries, including . . . permanent members of the . . . Security Council, [were] subjected to attacks.

Only about one percent of Gulf voyages involved attacks, however. Nevertheless, in terms of percentages of losses due to maritime casualties worldwide, the statistics were staggering. During 1982, the first year of the Tanker War, 47 percent of all Liberian-flag tonnage losses due to maritime casualty worldwide occurred in the Gulf. In 1986 the figure was 99 percent; in 1987, more than 90 percent, and the final percentages may have gone higher due to marine insurance underwriters’ late declaration of constructive total losses. Flags of convenience were flown by most Gulf tankers, a third being owned by US nationals, with another substantial portion chartered by US nationals. The financial loss to US interests was therefore substantial. Insured losses declared by underwriters were heavy, reaching $30 million in one month, with resulting tremendous increases in war risk premiums. The total cost of conducting the war, and the direct and indirect damage caused by it, was nearly $1.2 trillion. If there were any good things that could be said of this conflict, they [were] that the Gulf War [became] the principal factor in reducing the overtonnage of the world oil tanker fleet and in aiding a recovery of the tanker market, and . . . tremendous advances in marine firefighting equipment and techniques [were] directly attributable to recent experience in the Gulf.

To a US government expert, “this [was] too thin a silver lining to justify the cloud.” Iran attacked ships of more than 32 national flags, while Iraq mostly concentrated on vessels flagged or chartered by Iran. Iraq concentrated on attacking ships within Iran’s war zone, while Iran mostly attacked vessels in the lower Gulf, outside its or Iraq’s zones. Iraq tended to shoot first and identify later, while Iran conducted careful vessel reconnaissance and specific vessel identification. Iraq used aircraft for its strikes, while Iran employed conventional aircraft, helicopters, surface combatants and small boats, the latter manned by Revolutionary Guard forces. Iraq never caused a major interruption in Iran’s exports to finance its war.

Several warships—US frigates Samuel B. Roberts and Stark, and major units of the belligerents’ navies as well as smaller craft like Iran Ajr—were severely damaged or sunk. Some losses resulted from opposing belligerents’ attacks, some occurred through mistake, and some through self-defense responses by States not party to the conflict. There were deaths and injuries among crews. Belligerents and neutrals lost air crews through combat losses or accidents. There were losses of personnel at offshore terminals and other oil facilities. These facilities, including
some in territories of neutral States, were also damaged. Attacks on oil platforms resulted in deaths, injuries, and material destruction. The *Vincennes* tragedy caused 290 deaths.522 These losses do not include those incurred during the land campaigns.523

One interesting result of the war was reduced use of the Strait of Hormuz as an oil lifeline to the West. While tankers lifted nearly 20 million barrels a day through the Strait in 1978, this had been reduced to 6.4 billion in 1985. Oil discoveries outside the Gulf, pipelines from Iraq through Saudi Arabia and Turkey, and the Saudis' construction of an east-west pipeline with capacity of 3.2-5 million barrels a day may be “insurance—in case the Strait ... is closed.” These developments may inhibit skyrocketing oil prices if there are more political-military developments in the region.524 Yet another factor is increased production from other oil fields, e.g., the North Sea.

2. The Marine Environment.

The environment was also a loser, a major casualty to the Gulf being the 1983 Nowruz attack.525 Undoubtedly attacks on other terminals and offshore oil facilities caused spills.526 And undoubtedly attacks on loaded tankers and other vessels, ships in ballast and warships, resulted in loss of cargoes, primarily petroleum, and bunkers.527 Aircraft losses likely spread sheens on the Gulf.528 Apart from the Nowruz spill, there is no indication that States considered the impact of military activity on the environment or the developing law protecting it.529 Completion of overland oil pipelines530 may reduce risk of pollution at sea in the Gulf, but these pipelines are vulnerable to attack by any number of methods (particularly if laid close to the shore) during war or accidents at any time. Pipeline construction has only shifted the environmental risk to the land.

3. The Role of the United States and the Soviet Union.

In terms of US policy, it has been said that

By playing a leading role in the Gulf as well as in the United Nations, the United States unquestionably helped bring Iran to the negotiating table ... U.S. policy helped reestablish U.S. credibility among the Gulf Arab States by demonstrating that the United States could sustain a low-key, politically sensitive, and consistent military policy. ... U.S. military planners were quite pleased with the ... cooperation they enjoyed from Gulf States normally reluctant to be so forthcoming. ... U.S. policy “kept the Soviets out of the Gulf” in any significant operational sense, while U.S. policymakers nonetheless worked successfully with the Soviets in the United Nations in forging Resolution 598. All these produced ... satisfaction among U.S. diplomats involved in the year's [1988's] events.

... [T]he United States shared credit for bringing the cease-fire into effect with a wide range of factors. Iraq's extended bombing campaign, of which the tanker war was but a minor part, slowly ground Iran's economy down to crisis levels by the end of
1987, and Iran’s efforts to deal with its economy only exacerbated deep fissures among competing political factions in Tehran. Economic deprivation combined with battlefield stalemate to produce ... war weariness across Iran.... The “war of the cities” provoked confusion and fear out of all proportion to the relatively meager physical damage.... In some sense, Iraq can be said to have won its war with Iran.

Luck also played a role.\textsuperscript{531} Other factors that might be mentioned, at least in the context of the Tanker War, included cooperation of the Gulf States and US NATO allies and other States affected by the war’s dislocations and attacks on their shipping. The overwhelming supply of arms and other goods to Iraq also was a major factor.\textsuperscript{532} However, “[i]t should now be clear that US involvement in the Gulf during the... War, particularly during the... ‘tanker war’... was part of a long-standing continuum of American foreign policy.”\textsuperscript{533}

The USSR tried to achieve several goals: preserving its influence in Iraq, gaining influence in the GCC and Iran, and reducing US influence in the region, \textit{e.g.}, by chartering tankers to Kuwait. The war bolstered Soviet standing in the region. At war’s end Iraq could not afford to alienate the USSR or end its dependence on Soviet arms supplies. Iran would have to improve its relations with the Soviet Union to encourage the USSR to moderate its support of Iraq. While the Gulf States were much less dependent on the Soviet Union, they were not anxious to see the USSR leave the Gulf after the war; Soviet presence was seen as useful to keep the United States concerned about the region. Soviet post-war gains were therefore not significant. With the war over, there were fewer opportunities and greater obstacles for extending Soviet political and military influence in the Gulf.\textsuperscript{534} The USSR’s disintegration three years later of course meant loss of whatever gains it had made during the war. Iraq lost an arms supplier, Iran lost a whipping boy,\textsuperscript{535} and the other Gulf States lost a makeweight. The Soviet Union’s demise meant a triumph of US policy, and just in time for the 1990-91 Gulf War.\textsuperscript{536}

\textbf{4. The Role of International Organizations.}

The United Nations, and particularly the Security Council, emerged from Cold War gridlock to a more active role in peacemaking. Its resolutions affirming freedom of navigation are particularly important for this analysis.\textsuperscript{537} The Arab League, at first gridlocked because of divisions among its members, some of whom (\textit{e.g.,} Syria) supported Iran and others Iraq (\textit{e.g.,} Kuwait, Saudi Arabia), came together at the end of the war.\textsuperscript{538} States in other established international organizations, \textit{e.g.,} individual NATO members, cooperated together more or less under the WEU with Persian Gulf States to support freedom of navigation. WEU’s revitalization has been traced to the Tanker War shipping threat.\textsuperscript{539} These European States, while following a Western political strategy, were able to distinguish themselves from US policy. They made separate, if not radically different, definitions of Western interests in the Gulf. Deployment of European naval power to the Gulf
improved the status of European States with many Gulf Cooperation Council members, particularly Kuwait and Saudi Arabia.\textsuperscript{540}

The European Community, evolving into the European Union during the war years, and the Economic Summits lent diplomatic pressure to end the conflict.\textsuperscript{541} Nevertheless, it appeared likely that although the EU will harmonize policies in Europe, European States will muddle through with individual policies in the Gulf in the future.\textsuperscript{542}

However, the most impressive development during 1980-88 was the organization of the Gulf Cooperation Council of other Gulf States in 1981, which by war's end could "have good reasons for being pleased and confident .... They ... successfully weathered the Iranian revolution, eight years of Iran-Iraq fighting, and a whole range of direct or covert Iranian efforts to undermine them. They [could] reasonably argue that the future [could] not be worse than the recent past."\textsuperscript{543} It has been correctly predicted that

\ldots [T]he GCC states will strive to maintain their unity to limit the chances of turmoil spreading from one state to the rest. Together, they will try to hew a middle path between Iran and Iraq \ldots to achieve a balance of power in the Gulf and limit the opportunities for super-power intervention \ldots. Because the GCC states can never attain an even mildly formidable \ldots defense posture, their attention is properly focused on diplomacy. Nevertheless, practical steps toward closer security cooperation \ldots can serve to deny the attractions of outside meddling in the affairs of the weaker members of the community, and put the larger powers on notice that the GCC states are determined to act together to preserve their political integrity.\textsuperscript{544}

For the United States, a problem could be military equipment purchases from other countries, thereby lessening dependence on America while increasing dependence on other States.\textsuperscript{545}

5. The Ensuing Chapters.

From any perspective the Tanker War was costly in terms of people, property, pollution of the environment, and perhaps international law. The Chapters that follow analyze the war in the context of the UN Charter, and in particular the inherent right of individual and collective self-defense in Article 51;\textsuperscript{546} the law of the sea in the context of the Persian Gulf;\textsuperscript{547} the law of naval warfare, apart from Charter considerations, at stake in the Tanker War;\textsuperscript{548} and the law of the sea, the law of the maritime environment, and the law of naval warfare.\textsuperscript{549}

\textbf{NOTES}

1. I delivered parts of this Chapter as a paper, "Targeting Enemy Merchant Shipping and Neutral Merchant Vessels That Have Acquired Enemy Character: State Practice Following World War II," at the Naval War College Symposium on the Law of Naval Warfare, February 1-3, 1990, Newport, R.I., which was published, revised, as \textit{State

2. Peter Hayes, Chronology 1988, 68 FOREIGN AFF. 220, 236 (1989); see also nn. 484-92 and accompanying text. This Chapter's history of events, 1980-88, has been compiled in part from Hiro, NAVIS & Hooten and FOREIGN AFFAIRS America and the World issue; usually there is no further citation of these sources unless there is particular relevance. See Elaine P. Adam, Chronology 1981, 60 id. 719, 734-35, 739-40 (1982); Janis Kreelins, Chronology 1982, 61 id. 714, 725-26 (1983); Chronology 1983, 62 id. 777, 788-92 (1984); Chronology 1984, 63 id. 672, 682-86 (1985); Kay King, Chronology 1985, 64 id. 645, 658-61 (1986); Horace B. Robertson, Chronology 1986, 65 id. 653, 662-76 (1987); Hayes, Chronology 1987, 66 id. 638, 655-60 (1988); Hayes 232-38. Another summary is in 26 ILM 1434 (1987). Other citations, nn. 3-549, refer to accounts, from media sources, of particular events.


11. Id.


13. Islam's Shiite branch, State religion of Persia (later Iran) since 1506, has been a divisive force between Iran and Iraq, once part of the Ottoman Empire, for centuries. For analysis of the interaction of the Shiite and Sunni sects before and during the war, and Iran's role as a predominantly Gulf Shiite State, and other Gulf States, whose population are predominantly Sunni, see generally CHURIN & TRIPP ch. 9; PHILIP MANSRL, CONSTANTINOPLE: CITY OF THE WORLD'S DESIRE, 1453-1924, at 39, 189-90 (1996); Shireen Hunter, The Iran-Iraq War and Iran's Defense Policy, in Naif, GULF SECURITY ch. 7 (effect on the military); Christopher C. Joyner, Introduction: The Geography and Geopolitics of the Persian Gulf, in Joyner 1, 12-13; David Menashri, Iran: Doctrine and Reality, in KARSH 42-57; Hossein S. Safizadeh, Revolution, Ideology, and the War, in Rajase, IRANIAN PERSPECTIVES 90-97; Robin Wright, The War and the Spread of Islamic Fundamentalism, in KARSH 110-20; Neguin Yavari, National, Ethnic and Securitarian Issues in the War, in Rajase, IRANIAN PERSPECTIVES 75-89. As id.'s title suggests, most of its chapters present an Iranian viewpoint that may seem at variance with other views.

14. See generally HIRO passim.

had ratified one or both Protocols by the Tanker War's end. See SCHINDLER & TOMAN 701-03; Ratifications and Accessions to the Geneva Conventions and/or to the Additional Protocols between 1.3 1988 and 30.6 1988, insert in DISSEMINATION (No. 10, Sept. 1988). Many provisions are considered customary international law, e.g., prohibitions against some reprisals. For analysis of the Gas Protocol, Fourth Convention and Protocol I in the Tanker War context, see nn. VI.268-71, 281-99, 401-55 and accompanying text.


17. This multi-sided power structure in the ensuing discussion adds several countries to participants listed in John E. Peterson, Defending Arabia: Evolution of Responsibility, in INTERNATIONAL ISSUES AND PERSPECTIVES 117 (1980), which, as its title indicates, is primarily concerned with Arabian peninsula issues.

18. Ahmad Naghibzadeh, Western Europe and the War, in Rajaei, IRANIAN PERSPECTIVES 39, 42, referring to Exchange of Letters Respecting Recognition & Protection of an Arab State in Syria (Sykes-Picot Agreement), May 9/16, 1916, Fr.-Gr. Brit., 221 CTS 323.

19. Iran is a major oil producer with 100 billion barrels of reserves. See generally Joyner, n. 13, 8-9 for a geopolitical sketch of Iraq at the end of the Tanker War; MAJID KHADDURI, SOCIALIST IRAQ: A STUDY IN IRAQI POLITICS SINCE 1968 (1978) for internal Iraqi politics analysis in the decade before the war.

20. Iran is also a major oil producer, with 93 billion barrels in proven reserves and six refineries, including Abadan, a 20-minute flight from Iraq. See generally Joyner, n. 13, 7-8 for a geopolitical sketch of Iran at the end of the Tanker War.


22. The smallest of the Gulf States, the island nation of Bahrain has one of the largest oil refineries in the region and considerable oil reserves. See generally Joyner, n. 13, at 11 for a geopolitical sketch of Bahrain at the end of the Tanker War. Bahrain became independent in 1971. MACDONALD 30.

23. Kuwait has significant oil reserves and offshore pumping facilities. See generally Joyner, n. 13, 9-10 for a geopolitical sketch of Kuwait at the end of the Tanker War. Kuwait became independent in 1961. MACDONALD 30.

24. Oman has significant oil reserves. See generally Joyner, n. 13, 11-12 for a geopolitical sketch of Oman at the end of the Tanker War. Oman became independent since 1650. MACDONALD 60 n.18.

25. Qatar has significant oil reserves. See generally Joyner, n. 13, 10 for a geopolitical sketch of Qatar at the end of the Tanker War. Qatar became independent in 1971. MACDONALD 30.

26. Saudi Arabia has a 10 million barrel per day pumping capacity and reserves estimated at 170 billion barrels, the largest on Earth. See generally id. 6-7 for a geopolitical sketch of Saudi Arabia at the end of the Tanker War.

27. Abu Dhabi has one of the richest oil areas on Earth; Dubai is a major world gold trader. Like many new States, the UAE and neighboring Qatar have experienced internal instability. BURRELL & COTTRELL, n. 7, 18-22; MACDONALD 30; Joyner, n. 13, 10-11.


29. CARLE 179.

30. Id. 182.

31. Id. 189; see also MACDONALD 33; James Stewart, East of Suez, 92 PROCEEDINGS 40 (Mar. 1966). Kuwait was admitted to the United Nations in 1963. Introductory Note, WELLINS 839, 841. The Arab League, or League of Arab States, is governed by two treaties: Pact of League of Arab States, Mar. 22, 1945, 70 UNTS 238; Treaty of Joint Defence & Economic Co-operation Between Arab States, with Military Annex, June 17, 1950, 157 BFSP 669, 48 AJIL SUPP. 51 (1955). Thus the League can be seen as a regional self-defense organization under UN Charter, art. 51, and as a regional
arrangement under id, art. 52. See Hussein A. Hassouna, The League of Arab States and Regional Disputes ch. 1 (1975); Majid Khadduri, The Gulf War: The Origins and Implications of the Iraqi-Iran Conflict 140 (1988); Robert W. MacDonald, The League of Arab States (1965); Summa 701; Gerhard Bebr, Regional Organizations: A United Nations Problem, 49 AJIL 166, 181 (1959); Khadduri, The Arab League As a Regional Arrangement, 40 id. 756 (1946); nn. III.800-17 and accompanying text.


33. German or Italian relationships with area States have been less affected by historical considerations. Naghibzadeh, n. 18, 42.

34. Cable 196.


36. Id. 14-15; see also n. 50 and accompanying text.

37. Burrell & Cottrell, n. 7, 15-16; MacDonald 33.

38. Burrell & Cottrell, n. 7, 22-30; MacDonald 150; Saideh Loftian, Regional Powers and the War, in Rajaei, IRANIAN PERSPECTIVES 13, 25. MacDonald 34-36 lists these among 38 territorial disputes and settlements in the region, some of which have been cited previously. For analysis of agreements on continental shelf and other sea boundaries, see Parts IV.B.2-IV.B.4, IV.D.2-IV.D.3.


40. For years Middle East Force consisted of two overage destroyers and a seaplane tender or a transport as flagship. Later more modern destroyers deployed. Id. 35-36. CENTCOM later exercised command over the much larger and far more capable Joint Task Force Middle East (JTFME). See nn. 77-80 and accompanying text.

41. The US return from investments in the area has been in the billions of dollars for years. Burrell & Cottrell, n. 7, 37; Peterson, n. 17, 121-23; see also Peter W. DeForth, U.S. Naval Presence in the Persian Gulf: The Mideast Force Since World War II, 28 NWC REV. 28 (No. 1, 1975).

42. Peterson, n. 17, 123; see also Hiro 14. The UK withdrawal was announced in 1968. Barnett, n. 32, v.


44. "Because many ruling families [in Gulf States other than Iraq] owe their power and position to England, one should never overlook British influence." Naghibzadeh, n. 18, 42.

45. See, e.g., nn. 37-38 and accompanying text (Iran claims to Bahrain; Saudi claims to Abu Dhabi, Dhofar, Khufu strip).

46. The agreement had a 15-year life with automatic renewal for 5-year increments unless one State notified the other 12 months before the treaty expired. Treaty of Friendship & Cooperation, Apr. 15, 1972, Iraq-USSR, art. 12, in Khadduri, n. 19, 241, 243. For further analysis of this and similar bilateral agreements of the Soviet Union, see nn. III.289-302 and accompanying text.

47. Iran's Shah was promised any but nuclear weapons. Hiro 15.

48. Naff, IRAN-IRAQ WAR 62; Peterson, n. 17, 125.

49. John Chipman, Europe and the Iran-Iraq War, in Karsh 215, 220.

50. International Border & Good Neighbourly Relations Treaty, June 13, 1975, Iran-Iraq, with Protocols, 14 ILM 1133 (1975). Hiro xii, 8-10; 17; Harry Post, Border Conflicts Between Iran and Iraq: Review and Legal Reflections, in Dekker & Post ch. 1 (1992); Yahl Rosenthal, Facts and Allegations: Iraqi Disclaimer of the 1975 Treaty, in Rajaei, IRANIAN PERSPECTIVES 98-103; and Ibrahim Anvari Tehran, Iraqi Attitudes and Interpretation of the 1975 Agreement, in Rajaei, IRAN-IRAQ WAR 11-23 analyze boundary disputes, diplomacy and the 1847, 1937 and 1975 treaties. See also Bennice L. Lerner, Iran and Iraq: An Overview, 32 NWC REV. 97 (No. 4, 1984); Charles G. Macdonald, Regionalism and the Laws of the Sea: The Persian Gulf Perspective 73, 25 id. (No. 5, 1980). These are longstanding disputes; they and religious differences within Islam were sources of friction between the Ottoman Empire, which governed Iraq through World War I, and Persia, now Iran, the Empire's principal enemy, down to today. Hiro 7-8, 21-33; Mansel, n. 13, 39, 189-90.

51. Burrell & Cottrell, n. 7, 16-18; Cable 198; Hiro 14; see also nn. 31, 34 and accompanying text. Iran said it was restoring[ing] its sovereignty over the islands. Tehran, n. 50, 12-13.

52. US Secretary of Defense Caspar W. Weinberger, A Report to Congress on Security Arrangements in the Persian Gulf, June 15, 1987, in 26 ILM 1434, 1441-42 (1987); see also Hiro 72-74. T.B. Millar offered a more comprehensive rationale for what Soviet naval policy was designed to accomplish in the region:
1. to be in a position to exercise effective influence over both ends of the Suez-Red Sea passage: this must strengthen their strategic and diplomatic-negotiating position;

2. to replace the [UK] as the dominant external power in the Arabian Peninsula and ... Gulf area: the Western oil companies and half of the West's oil supplies are then in a measure hostages to Soviet political and economic policies;

3. under Soviet "protection," to foster self-defense and cooperative defense against China in India and Southeast Asia;

4. to obtain positions of political and military strength throughout the ... region, ... to exercise control over sea routes between the western and eastern Soviet Union, and to be able to influence the policies of local governments toward Soviet ends in a crisis or at other times of decision;

5. to provide arms to local governments to foster these ends, and to weaken or destroy the influence of competitive powers or ideologies;

6. to keep watch on [US] naval activities, especially Polaris submarines; and

7. to ensure increased access to certain raw materials, to trade extensively and profitably within the region, and to use trade for political ends if the occasion arises.


53. Barnett, n. 32, v; see also nn. 42-45 and accompanying text.


55. This had been true for over 10 years. Compare BURRELL & COTTELL, n. 7, 4 with Naghibzadeh, n. 18, 40.


57. Ralph A. Cossa, America's Interests in the Persian Gulf Are Growing, Not Decreasing, ARMED FORCES J. INT'L 58 (June 1987); these figures are consistent with those for the Seventies. See generally BURRELL & COTTELL, n. 7, 3-5.

58. Naghibzadeh, n. 18, 43.


62. The Conference "had a great influence for later deliberations on the protection and preservation of the marine environment" in UN Committees and in LOS Convention drafting. Introduction, ¶ XII.11, in 4 Nordquist 8-9; see also RESTATEMENT (THIRD), Part VI, Introductory Note, at 99; id., § 602 r.n.1; see also BURNE & BOYLE 39-53; Carol Annette Petsonik, The Role of the United Nations Environment Programme (UNEP) in the Development of International Law, 5 AM. U.N. INT'L L. & POL. 351 (1990).

63. Kuwait Regional Convention for Co-operation on Protection of the Marine Environment from Pollution, Apr. 24, 1978, 1140 UNTS 133 (Kuwait Regional Convention); Protocol Concerning Co-operation in Combating Pollution by Oil & Other Harmful Substances in Case of Emergency, Apr. 24, 1978, id. 201 (Kuwait Protocol), analyzed in Parts IV.A.2, VI.B.2.a, VI.B.2.b(I), VI.B.2.b(II).


65. MacDONALD 79. Chapter IV analyzes the Tanker War in the LOS context; Chapter VI considers maritime environmental issues.
66. The Liberty Ships of World War II displaced 5,000 to 10,000 tons. Modern aircraft carriers displace 80,000 tons and require over 75 feet of water to navigate safely.

67. See also n. 51 and accompanying text.

68. The industry declined after World War II when cultured pearls entered the market; 75,000 pearlers once plied their trade in Gulf offshore waters. BURRELL & COTTRELL, n. 7, 1.

69. MacDonald 25-26, 78-79, 165-66, publishing maps, and Joyner, n. 13, 2-4, also publishing a map, supplied material for the foregoing; see also nn. 36, 50, 85, 86, 89, 100, 153-56, 489 and accompanying text.

70. Cosma, Commentary, n. 7, 57.

71. Giovanni, Commentary, in Karsh 231, 249.

72. MacDonald 78; Eliyahu Kanovsky, Economic Implications for the Region and World Oil Market, in Karsh 231, 249.

73. More than 60 a day passed through Hormuz during the early Seventies. BURRELL & COTTRELL, n. 7, 9; Joyner, n. 13, 3. Tanker traffic declined by the war's end. Kanovsky, n. 72, 249; see also n. 524 and accompanying text. MacDonald's estimate for 1968 of one tanker every 15 minutes seems high, unless he means passage during daylight hours only.

74. S.P. Meneelee, Commentary, in De Guttrey & Ronzitti 99, 100.

75. President Jimmy Carter, State of the Union Address, Jan. 23, 1980, 1 Public Papers: Carter 1980-81, at 194, 197 (1981); NAFI, IRAN-IRAQ WAR 64. On July 19, 1979, responding to statements by Palestine Liberation Organization supporters, the US State Department had issued a warning to oil tanker crews and other vessels to be alert for attempts by terrorists to seize or sink a ship in the Persian Gulf. In August 1979 Lloyd's of London had announced that special war-zone insurance would be required for tankers traveling through the Gulf. There was also the possibility that a terrorist attack might occur in the Strait. MACDONALD 165.

76. Two carrier task forces were on station at various points during the next year. Cable 205-06; Harold H. Saunders, The Iran-Iraq War: Implications for US Policy, in Nafi, Gulf Security 59, 64; see also nn. 39-49 and accompanying text.

77. Diego Garcia development began in 1979, along with agreements between the United States and Egypt, Kenya, Oman and Somalia to permit US access to facilities in those countries. See, e.g., Agreement Concerning Availability of Certain Indian Ocean Islands for Defense Purposes of Both Governments, Dec. 30, 1966, US-UK, 18 UST 28, 603 UNTS 273; Agreement Concerning Privileges & Immunities of US Military and Related Personnel in Egypt, July 26, 1981, 33 UST 3353; NAFI, IRAN-IRAQ WAR 63-64; Saunders, n. 76, at 63. In 1986 the United Kingdom and the United States concluded a more specific agreement on Diego Garcia. Agreement Concerning US Naval Support Facility on Diego Garcia, Feb. 25, 1976, UK-US, 27 UST 315, 1018 UNTS 372 (Diego Garcia Agreement); see n. 302 and accompanying text. In late 1978 the U.S.S. Constellation carrier task force had sailed for waters off Iran to manifest US concern for the chaos in Iran, but the order was cancelled a few days later after USSR protests of "gunboat diplomacy." The result was damage to US prestige. In March 1979 two battle groups were sent to the Arabian Sea after the Hostage Crisis. See n.76. The latter was reminiscent of an earlier manifestation of pressure in 1974. Id. 201. In April 1980 U.S.S. Nimitz launched helicopters in the Arabian Sea in a failed attempt to rescue US Embassy hostages in Teheran. Id. 206. For a juridical account of the crisis, see generally Hostage Case, n. 12; see also n. 12 and accompanying text. UK relations with Iran were then cool and a little better with Iraq. A.V. Lowe, Commentary, in De Guttrey & Ronzitti 241, 242-43. The United States had lacked formal diplomatic representation in Baghdad since 1967. However, diplomatic contact with Iran and Iraq proceeded in third country capitals or in the United Nations. Hiro 71.

78. At the time RDJTF was more of a tripwire to demonstrate to the USSR that the United States was prepared to respond on a global basis if threats to the region developed. The projection was for facilities for four or five divisions (80,000-100,000 troops) to be ordered to the region within a month. Seven ships were initially sent. WHITEHURST, U.S. MERCHANT MARINE, n. 59, at 121-22; Thomas L. McNaugher, U.S. Policy and the Gulf War: A Question of Means, in Joyner 111, 112; Saunders, n. 76, 65-66. See also Part IV.C.4.

79. RDJTF was often erroneously known as the RDF or Rapid Deployment Force. Maxwell Orme Johnson, The Role of U.S. Military Force in the Gulf War, in Joyner 127, 129-30.

80. Within two weeks after outbreak of the war four US Airborne Warning and Control Systems (AWACS) aircraft were dispatched to Saudi Arabia; they were later sold to the Saudis as the GCC moved from a posture of internal security cooperation to economic and defense security posture. Hiro 75; SIMMA 706; Lohtan, n. 38, 19; Saunders, n. 76, 69. See also nn. 172, 261 and accompanying text. US-built Saudi facilities were designed to allow handling US forces "should the Saudis feel in the future that their security required deployment of US forces."
Events and incapacitating Basra conflict. UK terminology was inconsistent; although the "conflict" 


declare its neutrality in organizations' reactions varied. 

permanent members pursuant to UN Charter, art. 23(I}-styled area; countries, 

Ihe Use 

Kalshoven, 

See also Andrea de Guttry, war between the belligerents. Italian Defence Minister statement before 

Iran and Iraq did not end diplomatic relations until October 1987, during the war's seventh year. CHUBIN & TRIPP 252. See also n. 409 and accompanying text. 

83. HIRO 35-39, 75-76; Lotfian, n. 38, 14-16; Itamar Rabinovich, The Impact on the Arab World, in KARSH 101, 102-03. 

84. The UK position in 1980-88 was that Iran and Iraq were in a "conflict," not a war, and that States' rights and 
duties derived from it and were limited by the UN Charter, in particular Art. 51, which preserves an inherent right of 
individual and collective self-defense. The US view was that it was a war, and that belligerent rights, e.g., rights of 
visit and search and neutrality, applied. "This refusal to categorize the conflict as a war, with all the consequences which 
that entailed, is perhaps the most significant aspect of British practice concerning the Gulf conflict." Lowe, 
war between the belligerents. Italian Defence Minister statement before IV Permanent Commission (Defense), Sept. 
8, 1988, Boll. Comm., X Legis., IV Commissione Permanente (Difesa) 4 (Sept. 8, 1988), in DE GUTTRY & RONZITTI 441; Andrea de Guttry, Commentary, in DE GUTTRY & RONZITTI 419, 432. Belgium and the Netherlands, the other naval 
participants, considered it a war, but they tried to observe "neutral[ity] in the broad sense of that word." Frits Kalshoven, Commentary, in DE GUTTRY & RONZITTI 475, 483. The belligerents perceived it as a war. See, e.g., Iran Notice to 
Mariners No. 17/59, Sept. 22, 1980; Iraq UN Permanent Representative letter to UN Secretary-General, May 5, 
1983, UN Doc. S/15752 (1983), in id. 37, 86-87. The position of the GCC or the USSR, which had naval forces in the 
area; countries, e.g., Australia or Japan, which played roles in the Gulf; or States that played no known direct role, e.g., 
Federal Republic of Germany (FRG) or Norway, is not clear. See nn. 438-46 and accompanying text. The USIR did 
declare its neutrality in September 1980, however, and strongly disapproved of the Iraqi invasion. CHUBIN & TRIPP 191; Sajjadpour, n. 54, 31. The UN Security Council—in which China, France, the UK, the US and the USSR are 
permanent members pursuant to UN Charter, art. 23(1)—styled it a conflict but also referred to "hostilities" or cited 
"conflict" may be employed as an occasional synonym. Counting noses, Iran, Iraq and most major naval powers in the 
Gulf (Belgium, Italy, Netherlands, United States) thought it a war, and two States (France, United Kingdom), a 
conflict. UK terminology was inconsistent; although the Second Report title referred to "Iran/Iraq Conflict," id. ¶ 6.1 
said the "war started in 1980 . . . ." Read closely, international organizations' statements have the same inconsistency. 

85. Post, n. 50, 32-33; see also nn. 36, 50 and accompanying text. 

86. Introductory Note, in WELLINS 443. 

87. HIRO 39. Merchant ships customarily fly a country's colors whose port they enter at the truck and display their 
registry flag elsewhere, usually at the stern. 

88. Id. 40-41; Introductory Note, in WELLINS 443. 

89. Iran NOTMAR No. 17/59, Sept. 22, 1980, in DE GUTTRY & RONZITTI 37; see also Defense Mapping 
Agency/Hydrographic Center, Special Warning No. 48, Sept. 22, 1980, in id. 153, warning mariners to avoid the Shatt 
and Iranian waters until further notice; Djamchid Montaz, Commentary, in id. 19. 

90. David L. Peace, Major Maritime Events in the Persian Gulf War, in Panel, n. 84, 146, 147; Peace, Major Maritime 
Events in the Persian Gulf War: A Juridical Analysis, 31 VIIL 545, 547 (1991); J. Ashley Roach, Missiles on Target: 
Targeting and Defense Zones in the Tanker War, in id. 593, 600-02 (1991). 

91. Montaz, n. 89, 21-22; see also HIRO 41 (Iran "imposed a naval blockade of the Shatt . . . , trapping many ships 
and incapacitating Basra port").
92. 27 KEESING 31006 (1981); Gioia, Commentary, n. 7, 59.


95. On January 30, 1979 Iraq and Syria had signed a mutual defense pact, declaring intent to create a unified State to organize Arab opposition to the Camp David Accords achieved during the Carter administration. Libya and Syria signed a merger agreement September 10, 1979, to form an Arab Steadfast and Confrontation Front. By summer the Libya-Syria unity scheme had failed; there was no barrier to Syrian support of Iran. Loutfian, n. 38, 20-21; Gabriella Venturini, Commentary, in de GUTTRY & RONZITTI 523, citing 27 KEESING 31010 (1981); 29 id. 32037 (1983).

96. S.C. Res. 479 (1980), in WELLENS 449; see also Introductory Note, n. 31, 443.

97. Introductory Note, n. 31, 443; see also Hiro 42.


100. Iran NOTMAR No. 18/59, Oct. 1, 1980, in de GUTTRY & RONZITTI 37.


103. 28 KEESING 31850 (1982); 29 id. 32689 (1983); 30 id. 32689, 33057 (1984); 31 id. 33560 (1985); Gioia, Commentary, n. 7, 72; Lowe, Commentary, n. 77, 251.


105. US Deputy Secretary of State Warren Christopher, Conflict in Iran and Iraq, Oct. 17, 1980, 80 Bulletin 52 (Nov. 1980); US UN Permanent Representative Donald F. McHenry, Iran-Iraq Conflict, Oct. 23, 1980, id. 73 (Dec. 1980); Menefee, Commentary, n. 74, 102. The French and UK positions were the same. Lowe, Commentary, n. 77, 243-44, citing inter alia UK UN Permanent Representative statement, n. 93; Mallein, n. 84, 395, citing French Foreign Affairs Ministry Spokesperson statement, Aug. 3, 1987, in de GUTTRY & RONZITTI 414.

106. See, e.g., nn. 148, 216, 278, 303, 325, 357, 379-81, 463 and accompanying text.

107. See nn. 364-65 and accompanying text; see also nn. 379-81, 411, 458 and accompanying text.

108. Compare Efraim Karsh, From Ideological Zeal to Geopolitical Realism: The Islamic Republic and the Gulf, in KARSH 26, 37, with MacDonald 183-84 (Iranian advocacy of regulated straits passage, special regime for the Gulf). Saudi Arabia, by contrast, followed the position eventually adopted by the LOS Convention. Id. 182-83.


110. Gioia, Commentary, n. 7, 57, 63, citing inter alia Iraq UN Permanent Representative letter to UN Secretary-General, May 27, 1984, UN Doc. S/16590 (1984); Iraq UN Permanent Representative letter to UN Secretary-General, Feb. 20, 1985, UN Doc. S/16972 (1985), in de GUTTRY & RONZITTI 90, 92; Momtaz, n. 89, 23, citing Iraq Foreign Minister letter to UN Secretary-General, Oct. 19, 1984.

111. Iraq began the war with $35 billion in foreign exchange reserves, but the war's cost, increased civilian commodity imports, and paying for millions of foreign workers, mostly Egyptians and Sudanese, soon whittled it away. Kanovsky, n. 72, 233, 236-37. Although the number of Egyptians working in Iraq—40 percent of Egyptians working abroad, 400,000 to up to 1.3 million—may have declined as the war progressed, remittances home made up 30 percent of Egypt's merchandise deficit. Funds transfers home went from $580 million to $1 billion for 1982-83. A 1983 Egypt-Iraq economic accord, by which Egyptians could repatriate 60 percent of earnings, was a result. Even so, an increased drain was predicted, perhaps $1.4 billion for the next year. Philip H. Stoddard, Egypt and the Iran-Iraq War, in Naff, GULF SECURITY 25, 49-50.
112. CORDESMAN & WAGNER 90-91, 101-02, 133-34, 170, 186; HIRO 75-76; Farhad Mehr, Neutrality in the Gulf War, 20 ODIL 105 (1989); Francis V. Russo, Neutrality at Sea in Transition: State Practice in the Gulf War as Emerging International Customary Law, 19 id. 381, 393 (1988).

113. CHUBIN & TRIPP 154; Kanovsky, n. 72, 237; Kechichian, n. 21, 92. Saudi deficits every year after 1982-83 was a ripple effect of supporting Iraq. Kanovsky 248. However, Saudi oil production had promoted an economic boom before 1980. See MacDONALD 51-52.

114. Lotfian, n. 38, 21; see also nn. 95, 112, 181 and accompanying text. Closing the Syrian pipeline cost Iraq $8 billion in income. Iraq had a major budget shortfall in 1982, even with $19 billion in Gulf State subsidies. Devlin, n. 81, 142.

115. Lotfian, n. 38, 18.

116. HIRO 76-77 believes these States acted out of concern for Shiite minorities within their populations, who might align ideologically with the Shiite Iranian State, and because their offshore oil platforms and other facilities were vulnerable to Iranian attack. Saudi Arabia may have allowed Iraq to use its airspace and even its air bases, although the official Saudi position was to the contrary. Id. 76. The result, early in the war, for Kuwait was occasional Iranian raids on border posts and attacks on one of its refineries. Id. 77. Kanovsky, n. 72, 248 says Gulf States feared Iran and granted or loaned money to Iraq to buy protection and to bolster their military resources.

117. See n. 51 and accompanying text.

118. Three of the seven UAE principalities supported Iran, including Dubai, where 20,000 Iranian merchants were based. HIRO 77, 116; Kanovsky, n. 72, 237; Lotfian, n. 38, 18.

119. HIRO 77-78.

120. Id. 79-80; Lotfian, n. 38, 16. Saudi Arabia may have allowed use of its air bases, perhaps as temporary Iraqi aircraft sanctuaries. Daniel Pearl, Same Old Song: Iraq's Best Planes Are Mainly in Iran, WALL ST. J., Apr. 29, 1998, at A1, A10.

121. Marr, n. 82, 65.

122. HIRO 81.


125. HIRO 81-82. This may be partly explained by UK access to North Sea oil, which gave Britain "the luxury, at least initially, of seeing her interests more plainly as retaining decent relations, to the extent that the policies of either belligerent allowed;" and for France, the 15 billion franc debt Iraq owed; "like all large creditors in similar circumstance France was ... obliged to continue to assist Iraq or risk losing all." Moreover, "[a] declaratory policy of neutrality ... was in part a fruit of the realization that the United Kingdom was not in a position to play a balancing role ... diplomatically or militarily;" there were yet vestiges of feeling about Britain's "colonial" history in the Middle East. Chipman, n. 49, 217-19.

126. These came from Austria, Brazil, Colombia, Egypt, France, PRC, South Africa and Spain. HIRO 82; Lotfian, n. 38, 18-19; Mohiaddin Mesbahi, The USSR and the Iran-Iraq War: From Brezhnev to Gorbachev, in Rajeev, IRAN-IRAQ WAR 69, 88-89; Stoddard, n. 111, 36-37.

127. CHUBIN & TRIPP 204, 237.

128. Mesbahi, n. 126, 89.

129. CHUBIN & TRIPP 191.

130. Chipman, n. 49, 221-22; see also n. 322 and accompanying text.

131. Previously there had been a steady rise in Iran's economy after the 1953 oil crisis. Kanovsky, n. 72, 241-42; MacDONALD 45. Iraq started the war with a $35 billion foreign exchange kitty, which was soon fritted. Kanovsky 237; see also nn. 112-24 and accompanying text.

132. CHUBIN & TRIPP 207. Iran's military power had increased significantly since World War II, when Britain and the USSR jointly occupied Iran. MacDONALD 42-45.

133. HIRO 80-81; Rabinovich, n. 83, 104.

134. HIRO 81-83.
135. US-manufactured materials began filtering into Iran, at the same time US export controls were in force, as early as 1980, through Israeli and UK middlemen. Id. 83, 117-18.

136. See nn. 46-49, 54 and accompanying text.

137. HIRO 83-84.

138. Sajjadpour, n. 54, 30-31; see also CHUBIN & TRIP 204-05, 221; Mark N. Katz, Moscow and the Gulf War, in Joyner 139, 140-42; Robert S. Litwak, The Soviet Union and the Iran-Iraq War, in Karsh 200-05.


140. HIRO 84-85.

141. Iran NOTMAR No. 20/59, Nov. 4, 1980; id. No. 22/59, Nov. 16, 1980; id. No. 23/59, Jan. 21, 1981, in de GUTTRY & RONZITTI 38; see also Momtaz, n. 89, 23.

142. Momtaz, n. 89, 21. Iraqi air strikes damaged an ULCC, Seawise Giant, at Iran’s Larak oil terminal late in the war. See n. 457 and accompanying text.

143. NWP 9A Annotated, ¶ 7.4.1, citing inter alia Milton Viorst, Iran at War, 65 FOREIGN AFF. 349, 350 (1986); see also 2 CORDESSEAN & WAGNER 92; Peace, in Panel, n. 90, 148-49; Peace, Major Maritime Events, n. 90, 547-48; J. Ashley Roach, Missiles on Target: The Law of Targeting and the Tanker War, in Panel, n. 90, 154, 156-57; Roach, Missiles on Target: Targeting, n. 90, 596-97, 600-01. For analysis of contraband and related issues, see Part V.D.


145. James Cable, NAVIES IN VIOLENT PEACE 60-70 (1989); Lowe, Commentary, n. 77, 247, citing inter alia Second Report ¶ 6.18. The United Kingdom was at pains, within limits imposed by close relationship to the United States, to stress the independence of her military activity. Chipman, n. 49, 221.

146. The Patrol held at least one joint exercise with a Gulf State. Lowe, Commentary, n. 77, 247, citing inter alia Second Report ¶ 6.9.

147. Second Report ¶ 6.11; Lowe, Commentary, n. 77, 247; see also Ross Leckow, The Iran-Iraq Conflict in the Gulf: The Law of War Zones, 37 ICLQ 629, 641 (1988);


149. Cable 208. The United States stopped shipments on turbines for Iraqi frigates being built in Italy. 27 KEESING 31011 (1981). See also Council Calls on Iran and Iraq to Settle Dispute Peacefully, 17 UN Chron. 5, 7 (Sept. 1980). The ships sat out the war in Italy.

150. Menefee, Commentary, n. 74, 101, citing inter alia US UN Permanent Representative statement before UN Security Council, Sept. 28, 1980, 80 Bulletin 61 (Nov. 1980); Christoffers, n. 105; see also Saunders, n. 76, 71-72. French and UK policies were the same on freedom of navigation. See Lowe, Commentary, n. 77, 143-44, citing UK UN Permanent Representative statement, n. 93; Mallein, n. 84, 394.


152. Iran (Temporary Powers) Act 1980 (Eng.).

153. 27 KEESING 31014 (1981); 28 id. 31522 (1982); Gioia, Commentary, n. 7, 59.


156. UN Secretary-General letter to Iraq President, Oct. 16, 1980, UN Doc. S/14221 (1980), in de GUTTRY & RONZITTI 84.
157. Hiro 50; Hooglund, n. 82, 42. See nn. III 813-17 for analysis of the ICO. Charter of the Islamic Conference Organization, Feb. 28, 1973, 914 UNTS 111, established ICO.

158. Hooglund, n. 82, 42.

159. See generally GCC Charter, n. 21; Hiro 78; Simma 706; see also n. 21 and accompanying text.

160. Simma 706; Sterner, n. 21, 17.

161. Venturini, Commentary, n. 95, 531.

162. Hiro 78-79.

163. Kechichian, n. 21, 93-95; see also nn. 51, 81, 119 and accompanying text.

164. Kechichian, n. 21, 95; see also Barry Rubin, *The Gulf States and the Iran-Iraq War*, in Karsh 121, 123-25. Although tilting toward Iraq like the Soviet Union, the GCC was cool to USSR friendship feelers until early 1985. Katz, n. 138, 142.

165. SiMA, 706; Sterner, n. 21, 18.

166. See also Barry Rubin, *The Gulf States and the Iran-Iraq War*, in Karsh 121, 123-25. Although tilting toward Iraq like the Soviet Union, the GCC was cool to USSR friendship feelers until early 1985. Katz, n. 138, 142.

167. SI.MA, 706; Kechichian, n. 21, 108.

168. Sterner, n. 21, 20; see also Saunders, n. 76, 68-70.

169. Kuwait resisted a multilateral Pact because of its extradition requirements. *Id.* 17-18.

170. Kechichian, n. 21, 95; Sterner, n. 21, 20-21.

171. Sterner, n. 21, 20; see also Saunders, n. 76, 68-70.


174. Hiro 75.

175. This was an expansion and continuation of the Carter Administration policy. Interview with President Ronald Reagan, Feb 2, 1981, American Foreign Policy Current Documents, 1981, at 653; *Haig Interview*, n. 173, 654; Hiro 78; Menefee, Commentary, n. 74, 102; see also nn. 77-78 and accompanying text.


178. NAvIS & Hooten 72; 28 Keesing 31850, 31852 (1982); 30 id. 32689 (1984); Gioia, Commentary, n. 7, 61.

179. 28 Keesing 31522 (1982).

180. See nn. 210-15 and accompanying text.

181. 2 Cordesman & Wagner 133-34; Hiro 80; Devl, n. 81, 142-43; Kanovsky, n. 72, 238; see also nn. 112, 114 and accompanying text.

182. Kanovsky, n. 72, 238; Mart, n. 82, 67. Iraq also explored building a pipeline through Jordan to the Port of Aqaba; this did not materialize. Rabinovich, n. 83, 102.

184. Hiro 81; see also Stoddard, n. 111, 29-30. For analysis of the Arab League, see nn. 31, III.800-17 and accompanying text.

185. Hooglund, n. 82, 43.

186. Kechichian, n. 21, 96-97.

187. See nn. 165-71 and accompanying text.

188. Hiro 62-63.

189. S.C. Res. 514, 522 (1982), in WELLENS 450-51. Iran's conditions for a settlement had been retaining the 1975 border agreement, n. 50, repatriation of 100,000 Iraqi citizens expelled by Iraq, a declaration that Iraq caused the war, $100 billion in war damages, and punishing Saddam Hussein as a war criminal.

190. Introductory Note, n. 31, 443. Although Javier Perez de Cuellar had been elected UN Secretary-General to succeed Kurt Waldheim in January 1981, the UN role in the war remained predominantly the same. Arend, n. 99, 193.

191. By and large these were only marginally successful. See Hiro 87-98.


193. Terms included ceasefire during the pilgrimage season, Iraq's evacuating Iranian territory and $70 billion compensation to Iran from the Islamic Reconstruction Fund, to be financed by the Gulf States. Hiro 91, 114.

194. Iran had recaptured Khoramshahr port and was confident of more victories. Tousi, n. 1.30, 58.

195. Id.


197. Naghibzadeh, n. 18, 44-45.

198. Hiro 119.


201. 2 Cordesman & Wagner 171; 28 Keesing 31850 (1982); 29 id. 32594 (1983); 30 id. 32680, 33058-59 (1984); 31 id. 33560 (1985); Roach, Missiles on Target: Targeting, n. 90, 605; Defense Mapping Agency/Hydrographic Center, Special Warning Modifying Special Warning No. 62, Nov. 24, 1982, in de Guttry & Ronzitti 137.


203. Hiro 98.


205. Chubin & Tipp 193.

206. Id. 193-94.

207. Id. 191-92.

208. Kechichian, n. 21, 97.

209. Id. 98.

Flight Jan. 22, 1984, GUTTRY 78 AJIL 884 (1984); estimates the Nowruz leakage at 30,000 tons of crude a day, considerably more than other accounts. Yengejeh 223 estimated a 250,000-barrel total spillage. General accounts of the war paid no attention to the environmental damage. See Hiko 98; NAVES & HOOTEN 56.


216. S.C. Res. 540 (1983), in WELLINS 451 (italics in original). The United States supported the resolution and had reemphasized its freedom of navigation policy when Iran threatened to restrict Gulf shipping or to close Hormuz. Menefee, Commentary, n. 74, 103; see also Fenrick, Exclusion Zone, n. 109, 120-21.


218. Kechichian, n. 21, 97.


220. NAPP, IRAN-IRAQ WAR 64-65.

221. CHUBIN & TRIPP 208; McNaugher, U.S. Policy, n. 78, 112. The Carter and Reagan Administrations did not have the capacity to meet all possible contingencies, nor did either fully think through what those commitments involved. Saunders, n. 76, 73.

222. Saunders, n. 76, 72.

223. If this had matured, it would have helped exclude the Soviet Union from the area. Lenker, n. 183, 89-90. Revising the Agreement prompted the USSR to suggest to Pakistan and Turkey that they review their bilateral economic relations. Lenker 96. Pakistan had considerable trade with Gulf States, mainly Abu Dhabi, Iran, Iraq, Kuwait, Saudi Arabia and the UAE. Its migrant workers labored in many of these countries; there were small Pakistani military contingents in many of them. See generally Craig Baxter, Pakistan and the Gulf, in NAPP, GULF SECURITY ch. 5. Turkey had been leaning toward Iraq. See nn. 112, 122, 182 and accompanying text.

224. Notice to Airmen and Mariners for Persian Gulf, Strait of Hormuz, Gulf of Oman and Northern Arabian Sea, Jan. 22, 1984, in de GUTTRY & RONZITTI 137 and Marian Leich, United States Defense Measures in the Persian Gulf Area, 78 AJIL 884 (1984); see also Menefee, Commentary, n. 74, 103. The US warnings were published within days after its report on the US Marine headquarters bombing at Beirut International Airport in 1983, accomplished by a gas-enhanced explosive device carried in a light truck and Iranian complicity in the attack. The concern was that boats or aircraft would try similar suicide runs on US warships. CHUBIN & TRIPP 209; Roach, Missiles on Target: Targeting, n. 90, 609.


228. CHUBIN & TRIPP 209.
229. UK ROE never have been and likely never will be published. Lowe, *Commentary*, n. 77, 249.


232. 30 KELLING 33057 (1984); see also Gioia, *Commentary*, n. 7, 73; nn. 88-90, 103, 109-10 and accompanying text.

233. During 1984 Iran mounted more offensives into Iraqi territory, trying unsuccessfully to cut the Baghdad-Basra highway. The war’s cost in material and people spiraled upward. Iraq continued a capital intensive war; Iran used its supply of manpower to keep costs down. HIRO 102-13.


236. Gioia, *Commentary*, n. 7, 62; see also nn. 89, 91-92, 100-02 and accompanying text.


239. Iraqi bombing also forced Iran to import refined oil products, thereby worsening Iranian balances of payments. Gioia, *Commentary*, n. 7, 62; Kanovsky, n. 72, 242-43.


242. HIRO 122-23; Tousi, n. 1.30, 53.

243. Sajjadpour, n. 54, 32-34. The Soviet Union also reacted to Tudeh Party purges in Iran and expulsion of Soviet diplomats accused of complicity with the Party, which was the Iranian communist party. CHUBIN & TRIPP 222; KATZ, n. 138, 142; Litwak, n. 138, 206.

244. HIRO 123-27.


246. See nn. 112, 126 and accompanying text.


248. The GCC had tried to mediate in the war in March without success. At the Arab League meeting, boycotted by Libya and Syria, the GCC supported a League call to States to stop selling arms and spares to Iran. *Id.* 115; Venturini, *Commentary*, n. 95, 530.

249. Litwak, n. 138, 205-06; Sajjadpour, n. 54, 34-35; see also n. 243 and accompanying text.

250. Hooglund, n. 82, 47.


252. Momtaz, n. 89, 29, citing Iran UN Permanent Representative letter to UN Secretary-General, May 25, 1984, UN Doc. S/16585 (1984), in de GUTTRY & RONZITTI 43.


254. *Id.* 31.

255. Venturini, *Commentary*, n. 95, 524-26, citing UN Doc. S/16586 (1984) (Norway); *Id.* S/PV 2541, at 5, 18 (1984); *Id.* S/PV 2543, at 6, 26, 31 (1984) (Bahrain, Kuwait, Oman, Saudi Arabia, UAE); *Id.* S/PV 2541, at 26 (Yemen); *Id.* S/PV 2542, at 3, 6, 10, 16 (1984); *Id.* S/PV 2543, at 9, 12, 22, *Id.* S/PV 2546, at 7, 17, 22, 37 (1984) (Ecuador, FRG, India, Jordan, Liberia, Morocco, Pakistan, Somalia, Sudan); *Id.* S/PV 2542, at 26 (Panama); *Id.* S/PV 2546, at 13 (Netherlands); *Id.* at 28 (USSR); 38 Y.B.U.N. 229 (1984).

257. See generally nn. 125-40, 437-45 and accompanying text. For the importance of flags of convenience, or open registry, see n. 60 and accompanying text; Parts IV.C.3, IV.C.6, IV.D.5, V.D.2, V.D.4, V.I.4.

258. S.C. Res. 552 (1984), in WELLENS 473. (italics in original)

259. Venturini, Commentary, n. 95, 531.

260. Statement by the Group of Seven, 84 Bulletin 5 (Aug. 1984); see also Venturini, Commentary, n. 95, 533.

261. HIRO 131, 153-54; Lotfian, n. 38, 19.


263. Hooglund, n. 82, 47-48.


265. Introductory Note, n. 86, 444.

266. HIRO 130.

267. The mine-hunters were not delivered during the war; Kuwait did not pursue purchase. Kalshoven, Commentary, n. 84, 483-85.


271. Naghibzadeh, n. 18, 41; see also nn. 112, 126, 244 and accompanying text.

272. HIRO 143; Menefee, Commentary, n. 74, 104-05.

273. T.M. ORFORD, THE IRAN-IRAQ CONFLICT: RECENT DEVELOPMENTS IN THE LAW OF NAVAL ENGAGEMENTS 60 (1988); see also Danzinger, n. 241; Menefee, Commentary, n. 74, 105.


275. See nn. 144, 422-23 and accompanying text.


277. Iran realized that Iraq's strategy was to push Iran into extreme reactions, e.g., closing the Strait; Iran tried to keep its responses to the lowest level and to alleviate international fears of possible closure of the Strait. Karsh, n. 108, 37.


279. See nn. 95, 112, 114, 122, 181-82, 223, 313 and accompanying text.

280. HIRO 145.

281. Id. 146-47.

282. These were at least in part replenished through the Iran-Contra deal. CHUBIN & TRIPP 211-14; see also nn. 12, 317 and accompanying text.

283. HIRO 158.


286. Hunter, n. 13, 178; Lenker, n. 183, 97; Lotfian, n. 38, 163-66.
291. HIRO 154-55.
292. Id. 155-56.
293. Lotfian, n. 38, at 20.
294. HIRO 156-57.
298. 90 Parl. Deb., H.C. (6th ser.) 426 (1986) (Response of Secretary of State for Foreign & Commonwealth Affairs). Iran's intercepting Barber Perseus, a UK flag merchantman was the precipitating event. Panel, n. 84, 158-59 (Greenwood remarks).
299. Frits Kalshoven, Commentary, in LAW OF NAVAL WARFARE 272, 274.
300. S.C. Res. 582 (1986), in WELLENS 452-54. Resolution 582 debates were less sharp in condemning destruction of navigation than that preceding adoption of Resolution 552, n. 258. Venturini, Commentary, n. 95, 526.
301. Giola, Commentary, n. 7, 73.
302. Diego Garcia Agreement, n. 77; see also n. 77 and accompanying text.
304. Oford, n. 273, 61; Menefee, Commentary, n. 74, 105.
305. US Defense Mapping Agency Hydrographic/Topographic Center, National Ocean Service & US Coast Guard, Automated Notice to Mariners III-9 (No. 39, 1986), in de GUTTRY & RONZITI 139; see also Menefee, Commentary, n. 74, 105-06.
306. 2 CORDESMAN & WAGNER 229-30; Norman Cigar, The Soviet Navy in the Persian Gulf: Naval Diplomacy in a Combat Zone, 42 NWC Rev. 56 (No. 2, 1989). There is speculation that Saudi Arabia allowed refuelling of Iraqi aircraft involved in these attacks at Saudi bases or that there was in-flight refuelling. HIRO 173-74.
309. Maybe it was a mistake; Iraq also hit Iran's Sirri oil terminal. See 2 CORDESMAN & WAGNER 236-37; Fenrick, Military Objectives, n. 202, 20.
310. Kanovsky, n. 72, 242-43.
312. Lowe, Commentary, n. 77, 247.
314. Iran-Kuwait relations remained tense. Id. 215, 227.
Reflagging

Norwegian ships might have switched to the Protection of Reflagged Kuwaiti Vessels in the Gulf, (1989); Myron H. Nordquist, Comment, INT'L BULLETIN HOUSTON under the accompanying text, or fear of WHITEHURST, See also helping Kuwait may have had a "showing the protection to a few more tankers would differ little from 'business as usual' in the sales were directed toward the Gulf States, particularly friendship and loyalty to Kuwait. Hooglund, n. 82, 49. An honest claim of neutrality while contributing positively to the confidence, stability and strength of the small IRAN-Iraq War 123-51; W.L. McDonald, Assistant Secretary of State for Near Eastern desire to prevent Kuwait had approached the text. The Iran-Contra scandal was a factor in the United States was not the only country touched by an arms sales scandal. There were revelations in France, the FRG, Italy, the Netherlands, Portugal, Spain and Sweden. The United Kingdom was the only country not affected by these kinds of revelations, primarily because its companies' sales were directed toward the Gulf States, particularly Saudi Arabia. Britain was given the twin political advantage of an honest claim of neutrality while contributing positively to the confidence, stability and strength of the small States with whom she had long established links. Chipman, n. 49, 220; Naghibzadeh, n. 18, 45; nn. 42-44 and accompanying text. The Iran-Contra scandal was a factor in the US decision to reflag Kuwaiti tankers to demonstrate sincerity of US friendship and loyalty to Kuwait. Hooglund, n. 82, 49. See also nn. 12, 282, 326, 333 and accompanying text.

Another delivered arms and ammunition to Iran in October 1986. HIR 220.

Id. 230; Naghibzadeh, n. 18, 45.

Naghibzadeh, n. 18, 45-46.

Hiro 222-23.

These were part of a $1.5 billion order for six corvettes, four frigates and a support ship placed in 1980. Id. 223. See also n. 130 and accompanying text.

CHUBIN & TRIPP 214; Hooglund, n. 82, 48-49.


2 CORDERMAN & WAGNER 271-81; Cigar, n. 306, 59, 63. Another reason for reflagging appears to have been a US desire to prevent Soviet influence spreading in the Gulf. Menefee, Commentary, n. 74, 107, 121-22, citing inter alia US Assistant Secretary of State for Near Eastern & South Asian Affairs Richard W. Murphy statement before US House Foreign Affairs Committee, Subcommittee on Europe & the Middle East, May 19, 1987, 87 Bulletin 59, (July 1987). Kuwait had approached the United States in late 1986 about changing registries. See also Hiro 186, 223-24; Weinberger, Report, n. 52, 1434; Elizabeth Gamlen & Paul Rogers, U.S. Reflagging of Kuwaiti Tankers, in Rajee, IRAN-IRAQ WAR 123-51; W.L. McDonald, The Convoy Mission, 114 PROCEEDINGS 36 (May 1988); McNaugher, Walking, n. 231, 172-76; Menefee 121. Naval protection was also part of the reflagging negotiations. Id. 122. McNaugher, U.S. Policy, n. 78, 114, says reflagging seems to have had less to do with guilt over Iran-Contra nn. 12, 282, 317 and accompanying text, or fear of Soviet intrusion than "with the prevailing assumption that extending U.S. naval protection to a few more tankers would differ little from 'business as usual' in the Gulf." The USSR rationale for helping Kuwait may have had a "showing the flag" component, but the charters also helped earn hard currency. Cf. WHITEHURST, US MERCHANT MARINE, n. 59, 233-40.

Litwak, n. 138, 208.


Gamlen & Rogers, n. 326, 128.

Katz, n. 138, 143.

Litwak, n. 138, 209.

opposed the transfer. See generally Gamlen & Rogers, n. 326, 133-35. For a view from inside the State Department, see George P. Schultz, Turmoil and Triumph. My Years as Secretary of State 925-30 (1993).

333. Hiro 188.

334. Id. 186-88, 226; Second Report § 6.6. Although the USSR protested strongly, the Soviet media tended to minimize these attacks. Katz, n. 138, 143-44; Litwak, n. 138, 209.


336. Hiro 187; Melia, n. 6, 120.

337. Litwak, n. 138, 209.


339. Agreement Concerning Claims Resulting from Attack on U.S.S. Stark, Mar. 27-28, 1989, Iraq-US, T.I.A.S. 12030, 26ILM 1427 (1987), 28 id. 644 (1989). Iraq first tried to blame Iran for the attack. Two days after the tragedy Iraqi President Hussein and Iraqi Foreign Minister Tariq Aziz expressed "deep sorrow" and apologized, expressing hope the incident would not affect cordial relations. There was some reason for the United States to regard the attack as a deliberate reprisal, coming only months after the Iran-Contra revelations. Chrubin & Trupp 197; Baram, n. 285, 86; see also nn. 12, 282, 317, 326 and accompanying text.


342. The United Kingdom and France held the view that Iran and Iraq were involved in a conflict, not a war, and that the Charter governed their actions. See n. 84 and accompanying text.


344. E.g., Second Report ¶ 6.22 (Omani ROE "very restrictive," limiting risk of exchange of fire with Iranian forces); de Guttry, Commentary, n. 84, 424-32, 438-39, citing inter alia Italian Defence Minister statement before IV Permanent Commission (Defence), Sess. 24, 1987, Boll. Commissioni, X Legislatura, IV Commissione Permanente (Difesa) (Sept. 4, 1987), at 4, in de Guttry & Ronzitti 453, 455 (Italian forces would respond to "hostile action against our military or merchant ships, if necessary taking such action before the hostile act . . . has taken place"); ROE classified); Kalshoven, Commentary, n. 84, 489 (Netherlands ROE reflect ve of Dutch strict neutrality position but unpublished); Mallein, n. 84, 401-02, discussing French Armed Forces Information & Political Relations Service, Press Release ¶ 4 (July 22, 1987), in de Guttry & Ronzitti 413, 414 (ROE not revealed, but govern procedure "in the case of threat or of attack").


349. Shultz, n. 332, 931, quoting a British Broadcasting Company report; see also n. 247 and accompanying text.

350. The USSR had offered naval protection, but the United States agreed to convoy during refueling negotiations. Menefee, Commentary, n. 74, 121-22.


352. Chubin & Tripp 215.


354. 2 Cordesman & Wagner 290-92, 298-300; Melia, n. 6, 120; Navis & Hooten 136; Walter Isaacson, Into Rough Water, TIME, Aug. 10, 1987, at 8; John H. McNeill, Neutral Rights and Maritime Sanctions: The Effects of Two Wars, 31 VJIL 631, 635, 638 (1991); Menefee, Commentary, n. 74, 126-27; Ronald O'Rourke, The Tanker War, 114 PROCEEDINGS 33 (May 1988); Peace, in Panel, n. 84, 149; Peace, Major Maritime Events, n. 90, 554; Frank C. Seitz, Jr., SS Bridgeon: The First Convoy, 114 PROCEEDINGS 52 (May 1988); 2 von Heinegg 104; Wolfram, Refueling n. 332, 397-98. Chubin & Tripp 215 err in christening SS. Bridgeon as U.S.S. Bridgeon, i.e., as a commissioned US Navy warship. Bridgeon was a merchant tanker.

355. Melia, n. 6, 121.


357. NWP 1-14M Annotated, ¶ 9.2.3 n. 26; McNaugher, U.S. Policy, n. 78, 116; McNaugher, Walking, n. 231, 180. Iran said Bridgeon's mining was due to "invisible hands." Chubin & Tripp 217.

358. NWP 1-14M Annotated, ¶ 7.11, n. 169.


361. Mallein, n. 84, 391, citing written answer by French Secretary of State for Maritime Affairs, Question 36188, J.O., Mar. 21, 1988, p. 1301, in De Guttry & Ronzitti 408; see also written answer by French Defense Minister, Question 29022, J.O., Sept. 14, 1987, at 5148.

362. 2 Cordesman & Wagner 234; Cigar, n. 306, 56.


364. Hiro 187. The media had reported that 20,000 Revolutionary Guards had been training to attack US ships. See n. 349 and accompanying text.

365. Shultz, n. 332, 933-34.

366. 32 Keesing 34514 (1986).

367. Menefee, Commentary, n. 74, 127; O'Rourke, n. 354, 33.


369. NWP 1-14M Annotated ¶ 7.11 n. 168; Gamlen & Rogers, n. 326, 140; McNaugher, U.S. Policy, n. 78, 116; see also n. 358 and accompanying text.

370. See Montaz, n. 89, 32, citing Iran Foreign Affairs Minister letter to UN Secretary-General, Sept. 29, 1987, UN Doc. S/19161 (1987), in de GUTTRY & RONZITTI 44. Iran President Ayatollah Khomeni was shocked by the US attack; he denied the ship had been laying mines. SHULTZ, n. 332, 934.

371. CHUBIN & TRIPP 217.

372. MELIA, n. 6, 126.

373. Weinberger, The Permanence, n. 172, 4; see also Table 9.7, Targets in the Tanker War as of October 12, 1987, in 2 CORDES & WAGNER 327-28. As of June 1988, the 1988 figures were 32 ships attacked by Iraq, and 35 by Iran. Second Report ¶ 6.1.

374. HIRO 226; Cigar, n. 306, 64; Hayes, Chronology 1987, n. 2, 655-60; Litwak, n. 138, 209.

375. Vienna Economic Summit, n. 84, 4. See also Menefee, Commentary, n. 74, 108; Venturini, Commentary, n. 95, 533; Weinberger, Report, n. 52, 1449-50.

376. S.C. Res. 598 (1987), in WELLMANS 454. The UN Secretary-General had called for a new approach in a January 1987 press conference, and for Security Council permanent members to make a special concerted effort to end the war. Beginning in February the United States took the lead in fashioning the resolution. Caron, n. 328, 193-95; Hooglund, n. 82, 50; McNaugher, U.S. Policy, n. 78, 118-20; McNaugher, Walking, n. 231, 176-78.


379. Iraq became a Convention party June 30, 1985; the treaty did not go into effect until after the war. LOS Convention, 1933 UNTS 397; n. IV. 3. Presumably Iraq claimed under customary law. See n. IV. 3 and accompanying text.

380. Neither belligerent was a Convention party. TIF 391. Presumably Iraq claimed under customary law. See also Parts IV.B.4, IV.D.3.

381. Iraq UN Permanent Representative note verbale to UN Secretary-General, Aug. 7, 1987, UN Doc. S/19025 (1987), in de GUTTRY & RONZITTI 93, 94; see also nn. 51, 81, 119, 163 concerning Iran's seizure of Gulf islands.


384. In late July Britain refused to aid US minesweeping; it reversed this policy August 11, 1987. UK ships had swept the Red Sea in 1984. Second Report ¶ 6.7; Lowe, Commentary, n. 77, 247. During the summer of 1984, mines detonated in the Gulf of Suez and the Strait of Bab el Mandeb, damaging several ships. Although Iran and Libya were accused of minelaying, Iran denied the charges; it is thought the Libyan cargo ship Ghat laid them. Egypt exercised its Treaty of Constantinople, n. 264, right to inspect shipping. A half dozen navies cooperated in locating and destroying mines. 31 KEESING 33371-73 (1985).

385. The precipitating event for Italy was the September 3 Iranian gunboat attack on an Italian merchant ship, Jolly Rubino. de Guttry, n. 84, 420.

See address freedom of navigation and merchant ship attacks, its supporting Resolution 598, n. 376, incorporated these aspects of the war by reference. The ministers conference had denounced minelaying in the Gulf.

The same ships would then proceed to AI-Hamadi to pick up oil for (1987), in 91 AJIL 518 (1997); nn. III.454-57 and accompanying text.


NWP 1-14M Annotated § 7.11, n. 168; see also nn. 358, 369 and accompanying text.


Menefee, Commentary, n. 74, 109, citing Executive Order No. 12613, n. 151; President Reagan, Statement on Trade Sanctions Against Iran, Oct. 26, 1987, 2 Public Papers: Reagan 1987, at 1232, (1989); President Reagan, Message to the Congress Reporting on the Prohibitions of Imports from Iran, id. 1245; see also n. 151 and accompanying text.

The South African munitions supposedly arrived at Aqaba in oil tankers half filled with water and half with munitions. The same ships would then proceed to Al-Hamadi to pick up oil for South Africa. Louisian, n. 38, 18-19.

See nn. 447-48 and accompanying text.

McNaugher, U.S. Policy, n. 78, 117; McNaugher, Walking, n. 231, 184, 186.

McNaugher, Walking, n. 231, 186.

Chubin & Tripp 218.

Gamlen & Rogers, n. 326, 141.

Chubin & Tripp 218.

Id. 219.

Text of Communiqué from Amman Summit, 27 ILM 1651-52 (1988). Iraq had accepted Resolution 598 in July. See n. 377 and accompanying text. Although Venturini, Commentary, n. 95, 531 says that while this decision did not address freedom of navigation and merchant ship attacks, its supporting Resolution 598, n. 376, incorporated these aspects of the war by reference. See nn. 376-77 and accompanying text. Moreover, an August Arab League foreign ministers conference had denounced minelaying in the Gulf and approved Kuwaiti actions to protect its security in the Gulf. Hiro 233-34.

Hiro 192.

Id. 198-200.

Caron, n. 328, 195.

Chubin & Tripp 252.

411. *Hayes, Chronology 1987*, n. 2, 658. In October Iran had reported that a half million volunteers were prepared for "martyrdom-seeking operations" to resist the United States in the Gulf. CHUBIN & TRIPP 219.

412. 2 CORDES& WAGNER 336-37; *Hayes, Chronology 1987*, n. 2, 660.

413. CABLE 210; CABLE, NAVIES, n. 145, 73.


415. Oman, Qatar and the UAE were opposed to the embargo. HIRO 236-37; *SIMMA 706*; McNaugher, *Walking*, n. 231, 185. These States had connections with Iran. *See* nn. 118, 163, 177, 263, 294 and accompanying text.

416. Hooglund, n. 82, 51-52; Litwak, n. 138, 209. France and the United States wanted sanctions only against Iran, but Britain preferred an evenhanded approach. Chipman, n. 49, 226.

417. Iranian and USSR policy converged on this point. CHUBIN & TRIPP 228-29.

418. HIRO 239-40. Iraq had become deeply suspicious of Soviet motives in advocating S.C. Res. 598, however. CHUBIN & TRIPP 199-200.

419. McNaugher, *U.S. Policy*, n. 78, 121. During the summer the USSR had rejected a US plan for the Council's imposing an arms embargo on Iran. Katz, n. 138, 144. Iranian and Soviet interests in the Gulf "merely came to overlap to a degree in 1987." USSR aid to Iran in 1987 was $100 million, a tenth of what it had been in 1980. CHUBIN & TRIPP 227, 237; n. 128 and accompanying text.


421. CABLE 210.


424. HIRO 202.


430. MELIA, n. 6, at 126-27. Probably mines had been laid just before ships transited. *See* n. 335 and accompanying text. Gamlen & Rogers, n. 326, 141 err in saying Roberts was written off. Roberts, although heavily damaged then, rejoined the fleet.

say other information at the press conference indicated the policy change was directed toward Iranian attacks.

EUropean policy through 

Meeting on the Situation in the Gulf, 

Reunion publique de Commission Protocols, 

Representatives, 

Relations Minister statement before Joint Foreign Relations 

SUpp.1995).

Foreign Affairs Minister Sept. 17, 1987, 

arts. 5-6, 63 

convoying catalyzed other 

RONZIIT517,519; Chipman, n.49,224-25; Venturini, Commentary, n.95,532-33. 

Herzog, 

territory in Europe, North America and certain ocean areas but not the Gulf. 

1990-91 

17,1951, art. 2,3

~

capture Basra. 

Herzog,

Iraq had lost Fao to Iran in February 1986. Baram, n. 285, 82, 84; Chubin 16. Chaim Roberts’ 

Praying 

Manzls,

Iran sued the 

Britain supported the 

response. The Court found jurisdiction. 

Oil Platforms Case, n. 395, 1996 (2) IJC 820; see also n. 395 and accompanying text.

34. HIRO 204; Gamlen & Rogers, n. 326, 141; McNaugher, Walking, n. 231, 189-90.

35. Gamlen & Rogers, n. 326, 141.

36. Shahram Chubin, Iran and the War: From stalemate to Ceasefire, in KARSH 13, 22; McNaugher, Walking, n. 231, 187-88; Mesbahi, n. 126, 39. Iraq had lost Fao to Iran in February 1986. Baram, n. 285, 82, 84; Chubin 16. Chaim Herzog, A Military-Strategic Overview, in KARSH 255, 263 says the turning point came in 1987 when Iran failed to capture Basra.

37. US Department of State, Western Defense: The European Role in NATO 16-17 (1988); see also Second Report ¶ 6.7; 2 CORDESMAN & WAGNER 313-17; Belgian Defence Minister, Press Release, Mar. 25, 1988, ¶ 4(e), in de GUTTRY & RONZITTI 517,519; Chipman, n. 49, 224-25; Venturini, Commentary, n. 95, 532-33. 2 CORDESMAN & WAGNER 528 say US convoying catalyzed other States' participation in naval operations. 

NATO forces operated as a coalition and not as part of the NATO alliance, which is limited to attacks on parties' territory in Europe, North America and certain ocean areas but not the Gulf. See North Atlantic Treaty, Apr. 4, 1949, arts. 5-6, 63 Stat. 2241, 2243-44, 34 UNTS 243, 246, as modified by Protocol on Accession of Greece and Turkey, Oct. 17, 1951, art. 2, 3 UST 43, 44, 126 UNTS 350. Iraq risked a NATO response if it crossed Turkey's border during the 

1990-91 Gulf War. Walker, Crisis Over Kuwait 44. There may be a question as to whether the European navies operated under the WEU; Britain preferred to operate apart from WEU. Compare Second Report ¶ 6.7 with Kalshoven, Commentary, n. 84, at 476; see also Venturini 532. See also Western European Union, Press Guidelines Concerning the Meeting on the Situation in the Gulf, Aug. 20, 1987, 35 Eur. Y.B. 19 (1987), in de GUTTRY & RONZITTI 555; 


38. Cf. Mallein, n. 84, 394.

39. Chipman, n. 49, 225; see nn. 388-389 and accompanying text.

40. Chipman, n. 49, 225. This reflected Italy's diplomatic posture. See n. 84.

41. Chipman, n. 49, 225.

42. McNaugher, Walking, n. 231, 186; cf. MELIA, n. 6, 124, (US Navy cooperation with other countries' sweeping operations).

43. HIRO 164, 232, 238.

44. CHUIN & TRIPP 215.

45. Cf. id.

46. HIRO 205.

47. Secretary of Defense Frank Carlucci statement, 88 Bulletin 61 (July 1988); Gamlen & Rogers, n.326, 141, who say other information at the press conference indicated the policy change was directed toward Iranian attacks. The
initial executive decision had been made with respect to protecting a jack-up barge, Scan Bay, of Panama registry but with US nationals aboard. O'Rourke, Gulf Ops, n. 429, 46-47.


455. Mallein, n. 84, 394.


457. 34 Keesing 35938 (1988).

458. Hiro 207.

459. Id. 210-11.

460. See n. 431 and accompanying text.


462. Perkins, n. 431, 70; see also M.C. Agresti, letter to the editor, 116 Proceedings 19, 20 (Jan. 1990).


464. Linnan, Iran Air Flight, n. 227, 251, citing Iran Air Flight 655 Report, n. 463, E-7; see also McNaugher, Walking, n. 231, 190.


467. Linnan, Iran Air Flight, n. 227, 251-52, citing Iran Air Flight Report, n. 463, E-7; McNaugher, Walking, n. 231, 190.

468. Linnan, Iran Air Flight, n. 227, 252-57, citing Iran Air Flight Report, n. 463, passim. For other factual accounts, see generally 2 Cordessman & Wagner 573-84; Hiro 210-12; Louise Doswald-Beck, Vessels, Aircraft and Persons Entitled to Protection During Armed Conflict at Sea, 65 BYBIL 211, 271-74 (1994); Norman Friedman, The Vincennes Incident, 115 Proceedings 72 (May 1989); Langston & Bringle, n. 431, at 54; Menefee, Commentary, n. 74, 110, 129-30; Perkins, n. 431, 66, 70; The Vincennes Incident, 116 Proceedings 19 (Jan. 1990). Iran claimed the United States was guilty of aggression. See Momtaz, n. 89, 32-33, citing Iran Foreign Affairs Minister statement before UN Security Council, July 14, 1988, UN Doc. S/PV 2818 (1988), in de Guttry & Ronzitti 49. Britain supported the US self-defense claim.
Answer by UK Secretary of State for Foreign & Commonwealth Affairs, July 6, 1988, 136 Parl. Deb., H.C. (6th ser.) 1046 (1988); Lowe, Commentary, n. 77, 252. This was not the only mistake during the fog of war; Iraq's attack on the Stark and US shots at dhows are two more examples. See nn. 338-39, 367, 410 and accompanying text. Soviet media claimed that the United States was trying to "kindle" the war. Litwak, n. 138, 210. Gamlen & Rogers, n. 326, 142-43, offer only a partial factual summary in criticizing the attack. The tragedy may have helped promote an end to the war. See Introductory Note, n. 31, 445; n. 482 and accompanying text. The ICJ suit was settled in 1996. See Agreement on Case Concerning Aerial Incident of 3 July 1988, Before the International Court of Justice, Feb. 9, 1996, Iran-US, TIAS ——, 35 ILM 572 (1996).

469. President Reagan letter to Speaker of the House Wright, July 14, 1988, 24 WEEKLY COMP. PRES. DOC. 938 (1988); see also Z CORDESMAN & WAGNER 390-94; Menenee, Commentary, n. 74, 110: O'Rourke, Gulf Ops, n. 429, 47.

470. See n. 447 and accompanying text.

471. Between 28 and 33 escort ships were involved, under Joint Task Force Middle East (JTFME), subordinate to CENTCOM. JTFME was a combination of the Middle East Force that had been in the Gulf since World War II, albeit augmented considerably since the war's outbreak, and carrier battle groups ordered to the area. Johnson, n. 79, 131-32.

472. Saudi Arabia, although unable to persuade other Gulf States to take firm stands against Iran, had been encouraged by US self-defense efforts. The immediate cause was Iran's refusal to accept the Saudis' curtailment of Iranian pilgrims for the hajj, based on the ICO formula. Hiro 236; Lotfian, n. 38, 20.

473. Kanovsky, n. 72, 238; Lotfian, n. 38, 19; Marr, n. 82, 67.

474. Kanovsky, n. 72, 238; see also CHUBIN & TRIPP 154, 230.

475. CHUBIN & TRIPP 230-31; Katz, n. 138, 144.

476. Kanovsky, n. 72, 243. By the war's end, Iran's oil revenues were half its military expenditures; except for 1980-82, Iraqi military expenditures equalled or exceeded oil revenues, its principal foreign exchange source to finance its war effort. CHUBIN & TRIPP 125.

477. League of Arab States, Text of Communique from Algiers Summit, 27 ILM 1654 (1938), referring to Text of Communique from Amman Summit, n. 405; see also nn. 405-09 and accompanying text.


479. Statement by the Group of Seven, June 20, 1988, 88 Bulletin 49 (Aug. 1988); see also Venturini, Commentary, n. 95, 533; nn. 376-377 and accompanying text.

480. See nn. 11-12, 76-77, 127, 151 and accompanying text.


482. The note referred to the Airbus tragedy, which thus may have had a perverse effect of promoting peace. Iraq had accepted Resolution 598 the year before. Introductory Note, n. 31, 445; see also Hiro 242-45; nn. 459-68 and accompanying text. Touissi, n. 1.30, 57-58, puts the date at July 18 by Iran's Minister of Foreign Affairs and July 21 by Ayatollah Khomeini, saying the real reason for acceptance was Iran's parlous economic situation, even with $12 billion in foreign loans. Its armed forces' war weariness and the psychological effect of Iraq's gas warfare were also factors. Edmund Gareeb, The Roots of Crisis: Iraq and Iran, in Joyner 21-22. Within the United States the airbus accident controversy gave way to "self-congratulations on a job well done." McNaugher, U.S. Policy, n. 78, 118.

483. UN Secretary-General Report, Aug. 8, 1988, UN Doc. S/20093 (1988), in WELLENS 470; see also Caron, n. 328, 197-99.

484. UNIMOG was established for six months and continued until February 1991. S.C. Res. 619 (1988); 631, 642 (1989); 651, 671, 676 (1990); 685 (1991), in WELLENS 456-60; see also Caron, n. 328, 199-200; Peace-Keeping, in SIMMA 565, 580.

485. S.C. Res. 620 (1988), in WELLENS 457, again condemned use of chemical weapons in the war; see also nn. 376-77 and accompanying text.

486. Introductory Note, n. 31, 447-48. See, e.g., DOD Report, n. 8; FRIEDMAN, n. 8, for analysis of this war; for legal analysis, see, e.g., DOD Report, App. O; Iraqi Symposium, n. 8; Schachter, n. 8; Symposium, n. 8.

487. Caron, n. 328, 203.

488. Post, n. 50, 35; see also nn. 36, 50, 69, 85-86, 89, 100, 153-56 and accompanying text. Iraq tried to get more conditions attached to the ceasefire: UN clearance of the Shatt; Iraq's Gulf and Hormuz navigation rights to be
guaranteed; if the belligerents failed to achieve a comprehensive peace settlement, the United Nations should play an active role in restoring direct official talks. These were a smokescreen as Iraq sought to consolidate territorial gains. It failed. HIK 245-47.

489. Caron, n. 328, 201-03; Lotfiyan, n. 38, 21-22; Charles G. MacDonald, Iran, Iraq, and the Cease-Fire Negotiations, in Joyner 208, 212-20; Walker, Crisis Over Kuwait 37 n. 64; see also nn. 36, 50, 69, 85-86, 89, 97, 100, 153-56, 486 and accompanying text. For other Iranian views, see generally Ali Asghar Kazemi, Peace Through Deception: The Iran-Iraq Correspondence, in Rajaee, IRANIAN PERSPECTIVES 111-19; Djamchid Momtaz, The Implementation of UN Resolution 598, in id. 123-32.

490. Douglas Jehl, Iran and Iraq Begin Big Trade of P.O.W.'s, N.Y. TIMES, Apr. 7, 1998, at A3. Iran has refused to return over 100 Iraqi aircraft flown to Iran to escape destruction by the coalition during the 1990-91 war, however. Pearl, n. 120, A1.


492. Iraq Foreign Affairs Minister letter to UN Secretary-General, Aug. 20, 1988, UN Doc. S/20140 (1988), in de GUTTRY & RONZITTI 95. Stopping and searching vessels during peace talks was a negotiating factor, however. HIRO 252-53.

493. Alfred Cahen, The Western European Union and NATO 47-50 (1989); 33 KHEsING 35360 (1987), 34 id. 36106 (1988); Chipman, n. 49, 225; Venturini, Commentary, n. 95, 532-33.

494. Assistant to the President for Press Relations statement, Sept. 26, 1988, American Foreign Policy, 1988, at 460 (1989); Cushman, Navy to End, n. 4, 2.

495. O'Rourke, Gulf Ops, n. 429, at 43.

496. Kuwait to "Deflag," n. 5, 9.

497. HIK had been sent home earlier. MELIA, n. 6, 123, 127; see also n. 6 and accompanying text. Netherlands and UK minesweepers had been ordered home a year earlier; Belgian and Italian ships left in 1988. Netherlands Minister of Defence & Minister for Foreign Affairs letter to President of Second Chamber of Netherlands States-General, Oct. 4, 1988, Tweede Kamer der Staten-Generaal, Verslagjaar 1988-89, 20075 No. 20, in de GUTTRY & RONZITTI 505; Belgian Minister of Defence, n. 437, ¶ 4(f), id. 517, 519; Lowe, Commentary, n. 77, at 247.

498. US Assistant Secretary of State for Near Eastern & South Asian Affairs Murphy, Progress Report on the Persian Gulf, Mar. 15, 1988, American Foreign Policy Current Documents 1988, at 437 (1989) reprinting in part Developments in the Middle East, March 1988: Hearing Before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, H.R., 100th Cong., 2d Sess. 2-3 (1988) reported 40 convoys, but Johnson, n. 79, 131-32, probably relying on later, more complete data, says there were over 100 convoys. Menefee, Commentary, n. 74, 120; n. 471 and accompanying text.


502. HIRO 1,250; MacDonald, n. 489, 210; Farhang Rajaee, Viewsfrom Within, in Rajaee, IRANIAN PERSPECTIVES 1, 2. Id. 1 argues the Vietnam War was "essentially an incipient civil war in South Vietnam in the mid-1960s," and the strife between China and Japan in Manchuria beginning in 1931 "never reached a point where one State declared war against the other." China tried to regain Manchuria in 1937 in a conflict that merged into World War II. Many would argue the Vietnam case differently, and China's war with Japan was equally long, eight years.

503. Caron, n. 328, 191; Tousi, n. 1.30, 51.

504. Marr, n. 82, 70.


507. Marr, n. 82, 70.

508. Kuwait and Saudi Arabia gave Iraq between $25 billion and $65 billion in financial assistance. Kanovsky, n. 72, 237; Kechichian, n. 21, 92-93; Laith Kubba, The War's Impact on Iraq, in Rajaee, IRAN-IRAQ WAR 47, 48; see also nn. 112-18 and accompanying text. Kanovsky 239 estimates Iraqi external debt at $40-50 billion at the end of 1987 with
only $1 billion in foreign exchange reserves. An interesting byproduct of the war was an Iraqi policy change toward a free enterprise system. Id. 239-40.

509. Karsh, n. 505, 10.

510. Mesbah, n. 126, 89.

511. Kubba, n. 508, 53.

512. CHUBIN & TRIPP 303-05 (1980-86 statistics, which do not include battlefield and sea losses during the war's last two years.)

513. Rajaei, Views from Within, n. 502, 3; see also HIRO 254-66. McNaugher, U.S. Policy, n. 78, 122, declares, however, that "In some sense, Iraq can be said to have won its war with Iran." Iraqi President Hussein said as much in 1991. Rajaei, Introduction, in Rajaei, IRAN-IRAQ WAR 1. See also Karsh, n. 505, 3-4.


515. See n. 8 and accompanying text.

516. Herzog, n. 436, 267. Iraqi President Hussein obliquely recognized this in 1982 but persisted with war for six more years. CHUBIN & TRIPP 193.

517. 2 CORDESMAN & WAGNER 530.

518. Russo, Neutrality at Sea, n. 112, 397; Frank L. Wiswall, Remarks, in Panel, n. 144, 594-95; Wiswall, Neutrality, n. 295, 621. Second Report ¶ 6.1 says 471 merchant mariners died, and 407 ships were attacked, and 8 more were mined.

519. Wiswall, Remarks, n. 518, 595; HIRO 1, 250-51; see also Wiswall, Neutrality, n. 295, 621. L.F.E. Goldie, Maritime War Zones and Exclusion Zones, in Robertson 156, 176, agreed with most of these points but argued that threat of an oil surplus in the 1980s and "favorable conditions of insurance . . . rendered such attacks relatively less unacceptable to the tanker fleets owners than did such attacks during the World Wars," when there was scarcity of shipping and cargoes. See also R. Glenn Bauer, Effects of War on Charter Parties, 13 TUL. MAR. L.J. 13, 17-24 (1988).

520. Peace, in Panel, n. 84, 147-48; Peace, Major Maritime Events, n. 90, 548-49; Roach, Missiles on Target, n. 143, 156; Roach, Missiles on Target: Targeting, n. 90, 603-08.

521. 2 CORDESMAN & WAGNER 530.

522. See nn. 459-68 and accompanying text.

523. In 1988 Second Report ¶ 8.1 estimated that the war had "killed or maimed many hundreds of thousands of people;" see also nn. 502-04 and accompanying text.

524. Kanovsky, n. 72, 249.

525. See nn. 210-14 and accompanying text.


528. See, e.g., nn. 261, 358, 459-68 and accompanying text.

529. See nn. 210 and accompanying text; see also Chapter VI.

530. See, e.g., nn. 112, 114, 181-83, 279, 313, 473-75, 524 and accompanying text.

531. McNaugher, U.S. Policy, n. 78, 122.

532. See, e.g., nn. 83, 120, 124, 126, 130, 139, 177, 196, 207, 242-44, 286-87, 315, 418, 510 and accompanying text.

533. Johnson, n. 79, 135-36; see also Karsh, n. 505, 8.


535. Litwak, n. 138, 211 (USSR accused Iran of beaming anti-Soviet religious propaganda to Islamic populations in Soviet central Asia).

536. See n. 8 and sources cited.

537. See, e.g., nn. 84, 96, 161, 189-90, 192, 216-18, 251-59, 300, 308, 376-77, 416-17, 479, 482-87 and accompanying text.
538. See, e.g., nn. 31, 93-95, 184-85, 192-94, 248, 256, 283-84, 405, 477 and accompanying text.

539. Chipman, n. 49, 225; Europe’s Multilateral Organizations, 3 Dispatch 531, 534 (1992); see also, e.g., nn. 388-89, 414, 437-41, 443-44, 454-56, III.309, 800-17 and accompanying text.


541. See, e.g., nn. 84, 93-94, 260, 271, 375, 378, 478-79; see also nn. III.818-19 and accompanying text.


544. Sterner, n. 21, 21; see also nn. III.800-17 and accompanying text.


546. Chapter III.

547. Chapter IV.

548. Chapter V.

549. Chapter VI.