

Compliance Bargaining Mechanism as the Way to End Iran-Iraq War 1988

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Abstract

Conflict issues can be about economy, culture and values, or even a border dispute. The class cannot be avoided because of several issues triggering the conflict and also several interests. One of the bigger wars was the Iran-Iraq War at 1980-1988. This war brought the long history between both of those countries, which were related with border disputes, ideological influences, and economic war. Both of countries were thinking that if the war was still being run, it would not give any good advantage as the damage was extremely destructive. So, it required a peace process to bring the two states involved war into one meeting to talk about peace or end the war. In this case the peace process arranged by the involvement of the third party. The United Nations take a role as the third party in Iran-Iraq War by forming a Resolution no 598. In the resolution the council expressed its concern that, despite its calls for ceasefire, the conflict between Iran and Iraq continued with heavy loss of life and material destruction. The Iran-Iraq war was ended through the resolution no 598 that was produced by the United Nations. Furthermore, this paper argues that the way of the United Nations ended the Iran-Iraq war through Resolution no 598 is implementing the theory of compliance bargaining in conflict resolution.

Keywords: compliance bargaining, conflict resolution, regime, ceasefire

Abstrak

Isu-isu terkait budaya, ekonomi, dan nilai seringkali menghasilkan konflik. Tak terkecuali dengan isu perebutan wilayah. Salahsatu perang terbesar yang terkait dengan isu sengketa wilayah adalah perang Iran-Irak 1988. Perang Iran-Irak 1988 membawa sejarah besar dari kedua negara yang saling berhubungan dengan isu perebutan wilayah, perebutan pengaruh ideologi, dan isu ekonomi. Perang yang berlangsung cukup lama ini membuat Iran dan Irak menyadari akan kerugian jangka panjang yang dialami. Pada akhirnya, kedua negara sepakat untuk berdamai dalam sebuah proses yang melibatkan pihak ketiga. Perserikatan Bangsa-Bangsa mengambil peran sebagai pihak ketiga yang membantu penyelesaian perang antara Iran dan Irak. Resolusi no.598 yang disusun oleh Perserikatan Bangsa-Bangsa mengarisbawahi akan pentingnya gencatan senjata dengan banyaknya kerugian dan korban jiwa yang muncul. Penelitian ini berargumen bahwa upaya Perserikatan Bangsa-Bangsa menyusun resolusi no.598 dalam menyelesaikan perang Iran-Irak adalah penerapan dari mekanisme compliance bargaining pada proses resolusi konflik.

Kata kunci: *compliance bargaining, resolusi konflik, rezim, gencatan senjata*

1. Introduction

Conflict issues can be about economy, culture and values, or even a border dispute. Because of several issues triggering the conflict, and also several interests, the clash cannot be avoided. One of the biggest wars was the Iraq-Iran war at 1980-1988. The war was resulted from the results of ideological, economy and border disputes. The Iran-Iraq War, also known as the Imposed War and Holy Defense in Iran, Saddām's Qādisiyyah (in Iraq), and the (First) the Persian Gulf War, started from September 1980 until August 1988. The war was conducted for eight years that makes the Iraq-Iran war famous as the longest war in the century (Karsh, 2002). In 1980, the year when Iraq invaded Iran, it was becoming the greatest war in Middle East. This war brought the long history between both of those countries, which were related with border disputes, ideological influences, and economic goals. Iraq's invasion of Iran was supported by some conditions at that time. The first was the Iranian revolution; Saddam Hussein thought that it was the best time to invade Iran. Because of the unstable governmental condition of Iran, Saddam Hussein assumed that Iran would be easier to be defeated. The second reason was the fear of Saddam Hussein that Shi'a revolution would spread in Iraq and it would make him be defeated from his governmental position as what happened to Shah

Mohammad Reza Pahlevi. Saddam Hussein did not want Iraq's Baathist regime to become a theocracy regime (Karsh, 2002).

Many factors influenced the Iran-Iraq war. Shatt Al-Arab contributed to the hostility between them. Shatt Al-Arab as the head of the Persian Gulf is an oil producer for both countries. One of the events that must be underlined is when Iran and Iraq signed the treaty that ended the border dispute to claim the territory of Shatt al Arab in 1937. Shatt Al-Arab was well-known as the territory that has linkage toward Ottoman-Persia that also conflicted who is the owner of that river. Like a flashback, the border dispute between Iran-Iraq came again as the reason to hold the war. They, Iran and Iraq tried to own the part of Shatt Al-Arab River called *Thalweq* or in other words the deep water line (Karsh, 2002).

The political condition under Saddam Hussein at that time was politically secure. That also caused the clash between Saddam Hussein and Ayatollah Khomeini, the leaders from Iraq and Iran, for maintaining their national interest. They tried to build their own nation to become the most super power countries in the scope of the Middle East. Of course one of the states involved in the war must start to think about ending the war. The group is thinking that if the war is still being run, it is not giving any good advantage toward both of states. The damage was so big. So, it required a process to bring the two states involved war into one meeting to talk about peace or end the war. The process is called a peace process (Karsh, 2002).

As the effort of peace process in the case of the Iraq-Iran war, the United Nations came as a third party. The involvement of the United Nations had dominated in the case of the Iraq-Iran war. As the organization that has a mission to maintain international peace and security and to promote friendly relations between countries, they have responsibility to end this conflict. The United Nations basically can be described as an organization that is involved in several matters like international law and security, monitoring economic development, giving assistance toward politics and also upholding the value of human rights (Karsh, 2002). The function of the third party in conflict, as we know, is playing role as the mediator to find the solution for the two actors that are involved at the conflict. In this way the United Nations try to find the solution to the conflict with Resolution no 598. This resolution initiated the peace process in conflict of the Iraq-Iran war (Karsh, 2002).

Resolution 598 was released by the United Nations Security Council (UNSC) on 20 July 1987. In the resolution the Council expressed its concern that, despite its calls for a ceasefire, the conflict between Iran and Iraq continued with heavy loss of life and material destruction. Some problems also were found due to the violation of international humanitarian law and other laws of armed conflict, and, in particular, the use of Chemical Weapons by Iraq contrary to Iraq's obligations under the Geneva Protocol that had been signed in 1925 (Karsh, 2002). From the Resolution

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

This paper aims to contribute to the emerging literature on conflict resolution by following a question as a central point to this study: how did the mechanism of compliance bargaining in the UN Resolution no 598 regime end the Iran-Iraq war in 1988? This research argues that, first, the mechanism of compliance bargaining in United Nation Resolution number 598 can work effectively because of the using of international post agreement negotiation process such as comprehensive disarmament, road map of reconciliation, dispute settlement, and comprehensive normalization. Second, this research finds that the mechanism of bargaining in compliance bargaining in UN Resolution no. 598 can work effectively because of the using of domestic post agreement negotiation process such as ratification negotiation, rule-making negotiation and ending with negotiating concerning monitoring, enforcement, and reporting.

This paper proceeds in three sections. The first section discusses the involvement of United Nations role in the settlements of international conflict and its influence toward Iran-Iraq war 1988. The second section analyses the effectiveness of UN Resolution no. 598 through compliance bargaining to end Iran-Iraq war. The third section provides concluding remarks.

2. The Dynamics of United Nations Role in the Settlements of International Conflict and its Influence toward Iran Iraq War 1988

The emergence of the Cold War led to the formation of the United Nations as peacekeeping agent. There are a lot of repeated conflicts that happen in the international system. The condition needs a peacekeeping agent. Thus, the United Nations come as the answer to prevent the latent conflict among states in this world. The United Nations often took a role in stopping dispute escalating into war and persuading the actors of conflict to solve the problem with negotiation. In its history, the United Nations has dealt with a lot of conflicts (United Nations Publications, 2008).

The United Nations strengthen their action to maintain international peace and security. The action is about strengthening its peacekeeping capacity to meet new challenges, increasingly being involved in regional organizations, and enhancing its post-conflict peace building capability. It is also in line with the goal of the United Nations in terms of peacekeeping, helping countries in conflict and creating conditions for lasting peace (United Nations, 2008).

Peacekeeping is part of the duty of the United Nations. Peacekeeping has proven to be one of the most effective tools available to the UN to assist host countries navigate the difficult path from conflict to peace. Unique strengths come from peacekeeping. These include legitimacy, burden sharing and the ability to maintain troops and police coming from around the world, who are integrated with civilian peacekeepers. That is one goal behind that, to achieve the world peace (UN.org/peacekeeping, 2013). This gives a consequence for the United Nations as peacekeeping agent to provide security, political building and peace building support to help states in their early transition from conflict to peace. Naturally, according to the United Nations, on how they conduct peacekeeping in institutional terms, it is flexible and over the past two decades has been deployed in many configurations. The duty of the United Nations has become flexible because of the guidance of three basic principles, which is consent of the parties, impartiality and non-use of force except in self-defence and defence of the mandate.

There are two ways that are used by the United Nations. The first is normative way and the second one is practical way. The ways are designed by the United Nations to reflect their role as an institution that has a big authority.

The normative way has to do with how the UN uses their authority to produce a resolution. A formal text adopted by the United Nations body is called a resolution. In fact every organ in the United Nations can issue a resolution. But then, the Security Council and General Assembly are the organs in the United Nations that issue the most resolutions. It's about formal expressions coming from the United Nations organ (un.org/en/sc/documents/resolution, 2013)

The process to get a UN Resolution starts from the council called the General Assembly. In the formal meeting at UN Headquarters, all member states are discussing the happening conflicts. The debate between member states happens because every single state upholds its interests. But then, in a good manner the member states try to influence or in other words conduct diplomacy for gaining support. All member states in the United Nations are waiting for an agreement for ending the conflict. Thus, the agreement shapes the normative way written in a United Nations Resolution (un.org/en/sc/documents/resolution, 2013). The format to write a United Nations Resolution is common. Each resolution has three parts: the heading, the preamble clauses, and the operative clauses. One resolution consists of one long sentence with commas and only one period. At the top of resolution or heading is written where the resolution come from. It would be from the General Assembly, the Security Council, ECOSOC or etc.

This is a list of UN Resolutions that had been made to end the conflict between a state and other states (un.org/en/sc/documents/resolution, 2013):

Table 1 List of UN Resolutions to end the conflict between a state and other states

Resolution	Date	Concerns
502	3 April 1982	Demands end to the Falklands War
510	15 June 1982	Extends mandate of the United Nations Peacekeeping Force in Cyprus
516	1 August 1982	Violations of ceasefire in Beirut
527	15 December 1982	South African attack on Lesotho
545	20 December 1983	South African occupation of southern Angola
573	4 October 1985	Israeli attack on Tunisia
598	20 July 1987	Demands a ceasefire and protection for civilians during the Iran-Iraq War

Apart from the normative way, the Practical way discusses the United Nations as a peacekeeping agent which conducts action for maintaining peace and security. In conducting the action, the United Nations on behalf of the Security Council calls their action an operation. Several operations to initiate peace had been conducted by the United Nations for maintaining peace and security. Some troops, called the UN Peacekeeping Troops, were sent to the conflict area to maintain peace (un.org/en/peacekeeping/operations, 2013).

The United Nations is frequently involved in many consultations to determine a good action to end the conflict. The consultation by the United Nations would likely involve:

- a. All the United Nations organs that are important in this case
- b. The regional government and the third parties
- c. Member states, which include the states who sent their troops and police to the area of the UN operation
- d. Intergovernmental organizations
- e. The other parties that still relevant into the conflict

At this phase, a strategic assessment can be requested by the UN Secretary General to see the possibility of United Nations involvement the conflict. The United Nations usually conducts the technical field assessment before it follows the practical method. This is like an observation before entering the conflict area. The technical field assessment aims to analyse and assess the overall security, political, military, humanitarian and human rights situation on the ground and its implications for a possible operation. The Secretary General will make a report for the Security Council based on technical field assessment results. This report will produce the decision for the establishment of a peacekeeping operation (un.org/en/peacekeeping/operations, 2013).

Several operations have already been conducted by the United Nations. Their area of operation is broad, including Africa, America, Asia and the Pacific, Europe and also the Middle East. Several operations are successful and make the United Nations a peacekeeping agent to prevent an international conflict. Here is the explanation of practical ways used by the United Nations in the Iraq-Iran war.

The United Nations Iran-Iraq Military Group (UNIIMOG) was established in 20 August 1988. Its function was to verify, confirm and also supervise the process of ending the conflict including the disarmament process until the international recognized boundaries were restored in a peaceful way. This operation was the implementation of practical way by the United Nations for ending the war. UNIIMOG has its headquarters in Baghdad and Teheran (un.org/en/peacekeeping/missions, 2013).

In accordance with resolution 598, UNIIMOG was established to verify, confirm and supervise the ceasefire and withdrawal. UNIIMOG conducted operations in the scope of the Gulf region, Iraq-Iran territory and on the border between Iraq and Iran. The operation of UNIIMOG ended at the beginning of 20th February 1988 (un.org/en/peacekeeping/missions, 2013). Every operation that is conducted by the United Nations is categorized as the practical way, which is real action coming from the United Nations as a peacekeeping agent. It can be noted that the emergence of troops in every UN operation is not only about combating each other with civilian or other goals. But also, the troops conduct more peaceful action like giving assistance toward the resolution that had been made.

3. The Effectiveness of UN Resolution no 598 through Compliance Bargaining to End Iran-Iraq War 1988

With the issuing of United Nations Resolution no 598, we can analyse how it became effective to end the war. As a tool to analyse, the writer uses one of the theories in conflict resolution which is called compliance bargaining. The management model is the way to be more specific to conduct the analysis for this case. It is important to analyze the regime that was running at that time. The writer prefers to use the model of post agreement regime dynamics as the tool to analyse the effectiveness of Resolution 598 regime.

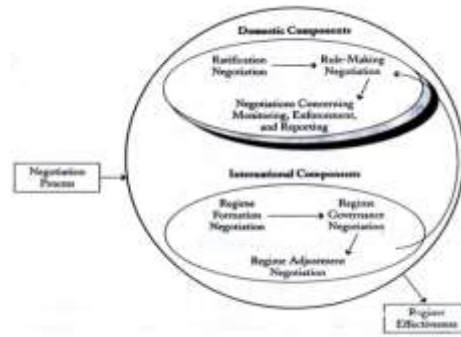


Figure 1 Regime Dynamics in a Post-agreement Negotiation Framework (Bertram and Zartman, 2003, p.63)

According to Figure 1, regime dynamics is divided into two groups. The first group is the international components and the second one is domestic components. In every component of regime dynamics, it is still divided into specific terms that make the post agreement negotiation effective. In the domestic post agreement process, there are 3 terms that make it specific. These are ratification negotiation, rulemaking negotiation and negotiations concerning monitoring, enforcement, and reporting. On other side, international post agreement processes divide their components into regime formation negotiation, regime governance negotiation and also regime adjustment negotiation.

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

3.1. International Post Agreement Negotiation Process

3.1.1. Comprehensive Disarmament

The conduct of disarmament in the Iraq-Iran war was started by Saddam Hussein, who sent a warning to Khomeini in the middle of 1988. Saddam made the warning by threatening Iraq would launch a full-scale invasion and attack Iranian cities with

weapons of mass destruction. Shortly afterwards, Iraqi aircraft bombed the Iranian town of Oshnavieh with poison gas, which immediately killed and wounded over 2,000 civilians. The chemical war was used because the two actors tried to compete in this sector. Thus, the urban population in Iran must be evacuated from their residences. The fear coming from Iranian people grew and they were afraid of the effect of chemical war. Meanwhile, Iraq continued to send their bombs and missiles to attack Iran. Iran did reply with missile and air attacks as well, but it was not enough to prohibit the Iraq attack (Cordesman, 1990).

The conduct of war was before the actors decided to agree with the disarmament proposal by the United Nations were happened when Iran under Ali Akbar Hashem Rafsanjani. He took revenge to Iraq. Akbar Rafsanjani ordered the Iranians to retreat from Haj Omran, Kurdistan on 14 July. As the consequence of the revenge conducted by Iran, the military of Iran inside the Iraq territory had largely disintegrated. Iraq put up a massive display of captured Iranian weapons in Baghdad, claiming they captured 1,298 tanks, 5,550 recoil-less rifles, and thousands of other weapons. The result was Iran successfully took revenge on Iraq in a very complicated chemical war. However, Iraq and Iran had taken losses. They get massive spending on conducting the war and started to think of ending the war by accepting the UN disarmament proposal in the Resolution 598 (Dodds and Wilson, 2009).

Because of the complicated situation after the chemical war and also its serious impact on the people and economy, the leader of the war in Iran Ali Rafsanjani tried to persuade the president of Iran Ayatollah Khomeini to accept the disarmament proposal that was proposed by the United Nations in Resolution 598. They stated that in order to win the war, Iran's military budget would have to be increased by 700% and the war would last until 1993. Even Resolution 598 would not give all Iran wants, but Ali Rafsanjani thought that it was the best proposal so far rather than anything else. It is important to Iran to accept Resolution 598 because if not Iraq would occupy the Iran border like the previous agreements. On 20 July 1988, Iran accepted Resolution 598, showing its willingness to accept a disarmament proposal (Karsh, 2002). A statement from Khomeini was read out in a radio address, and he expressed "deep displeasure and reluctance about accepting the ceasefire":

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

Though it was hard for Iran to accept the disarmament, the bravery of the Iranian people to end the war must be appreciated. The heavy losses of Iran and also the worsening economic condition had led the government of Iran to take a good

decision for ending the war. Reflecting on disarmament proposal that was proposed in UN Resolution no 598, we can find point number 3, 5, 8 section 1 and 8 section 3.

Point 3 of the UN Resolution 598 states:

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

The UN tries to emphasize the terms of review and assessment in the management approach of the compliance bargaining method. The point no 3 in UN Resolution 598 reflected the Geneva protocol which was conducted in 1925. The protocol were contained the Prohibition of the use of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare in the war. It was signed because the using of chemical and biological weapons in international armed conflicts was categorized as violation of humanitarian law. Thus, the United Nations, in their aim to maintain international peace and security, tried to get the actors of war, Iraq and Iran, to take a look back at the Geneva Protocol 1925. The use of chemical weapons in the Iraq-Iran war was contrary to the agreement that had been conducted before. The United Nations played a role to evaluate performance of the parties.

Point 5 UN Resolution no 598 states:

"Determined to bring an end all military actions between Iran and Iraq..."

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

Point 8 sections 1 UN Resolution no 598 states:

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

In this point, the United Nations stated clearly that disarmament with discontinuing all military actions at sea and in the air and also withdrawing all forces was a first step to negotiate, the start to stop the massive killing. If Iran and Iraq are conduct the disarmament soon, the settlement will come sooner.

3.1.2. Road Map for Reconciliation

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

UNIIMOG had a responsibility to verify, confirm and supervise the reconciliation in the Iraq-Iran war after the disarmament process. The UNIIMOG was established on 20th August 1988 (un.org/en/peacekeeping/missions, 2013). The conduct of UNIIMOG itself had made the two actors of the conflict, Iraq and Iran, meet at one table and to discuss how the conflict should be ended. The condition of two actors could be discussed again in a good way. The relation between two actors was also held again after a long eight years war. It was proven by the representatives coming from Iraq and Iran who were sent to the headquarters of the United nations in Geneva, Switzerland to do a negotiation.

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

Point 1 UN Res 598 states:

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

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

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

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

Point 4 UN Resolution no 598 states:

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

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

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

Point 8 sections 2 of UN Resolution no 598

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

This is actually the point that made Resolution 598 run effectively. This point made Iraq and Iran believe that when the process of reconciliation was conducted by the United Nations, there would be real action. It would not be a written agreement only. The United Nations successfully used one of their offices called the Secretary General to take part and conduct what actually must be done as peacekeeping agent. They built a body that verified, confirmed and supervised the cease-fire (in other words disarmament). The effort was actually conducted with the establishment of the United Nations Iran- Iraq Military Observer Group (UNIIMOG). In addition, Iraq and Iran believed that the reconciliation process between them would run well because there was a party that gave them assistance. So, they did not run the reconciliation by themselves.

Point 8 sections 7 UN Resolution 598

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

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

3.1.3. Dispute Settlement

The process to end the border dispute that happened between Iraq and Iran was not easy. Several processes were conducted to gain an agreement between them. A lot of meetings were conducted because Iran and Iran had their own interest towards Shatt Al-Arab River. It was about the nature of the river itself as the place where everyone could pass and as the route to conduct sailing. Shatt Al-Arab also had a linkage with sovereignty, so the discussion between Iran and Iraq was conducted with thinking about national rivalries (Potter and Gary, 2004).

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

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

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

Point 6 UN Resolution 598 states:

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

Border disputes between Iraq and Iran should be ended with comprehensive management to accommodate the interest coming from both actors. It was because the two actors had different interest. The word "honourable" that was chosen by the United Nations likely strengthened the argument that the object of border disputes, Shatt Al-Arab river was important for them and it was an honour for Iraq and Iran to have the territory that gave a good impact for developing their states.

Point 7 UN Resolution no 598 states:

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

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

3.1.4. Comprehensive Normalization

The normalization process is the process to repair the relations between Iraq and Iran. It is started by Iran's acceptance of Resolution no 598 proposed by the United Nations. Iran's acceptance of Resolution 598 was not tactical but this decision was important for Iran to keep their revolution. Accepting the Resolution 598 indicated Iran was ready to end the war and enter the peace process.

Relations with other states also needed to be repaired. In September 1988 Kuwait re-established diplomatic relations with Teheran. And after that, Bahrain and Iran agreed to upgrade diplomatic relations. This is important for the future of the state because after war, usually, the other states lose their acceptance and sovereignty because the war is full of violence and far from the norms (Karsh, 2002).

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

between Sunni and Shia. It is a political dynamic. In the end, as the coming of Resolution 598, the intention of ideological conflict between Sunni and Shia is decreased.

A peace agreement was signed from the Resolution 598, diplomatic relations was restored, and Iraq military withdrew from Iran's territory in 1990-1991. The UN peacekeepers withdrew from the border shortly afterward. Most of the prisoners of war were released in 1990 (Tarrock, 1998).

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

Point 8 sections 4 UN Resolution 598 states:

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

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

Point 8 Section 3 UN Resolution 598 states:

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

The United Nations proposes this point in the resolution and it is based on what happened in the Iraq-Iran war that reflected the third Geneva Convention of 12th August 1949. This clearly stated the case in article 13, 14 and 15. Article 13 is about humane treatment of prisoners:

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

dental or hospital treatment of the prisoner concerned and carried out in his interest."

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

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

Also article 15 mentioned maintenance of prisoners.

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

3.2. Domestic Post Agreement Negotiation Process

3.2.1. Ratification Negotiations

This part concerns the formal acceptance of international negotiated agreements at the state level. These negotiations involve participation from various stakeholders, including government ministries and agencies, political parties, business, NGOs and the public. They usually take the form of both formal negotiations in institutional settings, such as in national parliaments, and informal negotiations and debates among the bureaucracy and in the public media (Spector and Zartman, 2003).

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

3.2.2. Rule-Making Negotiation

This process concerns the design and development of new or modified legislation, regulations, criteria, standards, and targets. In addition, formal participants are usually legislators and bureaucrats in government ministries and agencies who have the authority to make and change regulations. Other participants often get

involved in influencing these negotiations, especially lobby groups representing business, political parties, NGOs, and the public (Spector and Zartman, 2003).

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

3.2.3. Enforcement, Monitoring, and Reporting Negotiations

The method and approach for implementing the new legislation and regulations is the concern of this process. Many economic stakeholders often participate in these negotiations with national legislators and government officials. This is because these stakeholders are usually the parties that will have to change their behaviour in line with the new rules. The desired outcome for these negotiations is usually compliance with these new laws and regulations (Spector and Zartman, 2003).

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

4. Conclusion

The end of war between Iran and Iraq is officially ended when both sides run the resolution 598 proposed by the United Nations. On 8 August 1988, the Resolution number 598 is became effective. Both sides agreed to conduct a ceasefire. Automatically the war was ended because two sides involving stopped the using of any weapon. Iraq and Iran realized that the war since a long time period was not effective for the government and giving disadvantage especially in terms of economy.

The United Nations's assistance is still being upheld. With the help of the UN Peacekeepers of the United Nations Iran-Iraq Military Observer Group (UNIMOG) is responsible for monitoring the using of arms between Iraq and Iran after the acceptance of ceasefire between them. In conclusion, the conflict between Iraq and Iran is ended by mutual understanding by two actors to think the big impact of being conflicted.

On 20th July 1988, the UN Security Council passed Resolution 598, which called for an end to the fighting and a return to pre-war boundaries. This resolution was noted by Iran for being the first resolution to call for a return to the pre-war borders, and setting up a commission to determine the aggressor and compensation. This was in contrast to previous settlements that only allowed a ceasefire (leaving Iraq in possession of disputed Iranian territories). The head of the IRGC, Mohsen Rezaee believed that it was a direct result of the capture of Al-Faw and Iran began to consider the ceasefire.

The emerging of the United Nations tried to end the happening conflict, especially in international scale. The United Nations as peacekeeping agent have several way to solve the international conflict. The first one is called as normative way and second one is called as practical way. Two ways that designed by the United Nations are also reflected on the work of General Assembly and Security Council as the United Nations authorized body.

Meanwhile, a normative way, it is about on how the United Nations use their authority to produce a resolution. The United Nations Resolution is a formal text adopted by a the United Nations body. Although any the UN body can issue resolutions, in the practice most of the resolutions are issued by the Security Council or the General Assembly. That is about formal expressions of the opinion or will of the United Nations organs.

In a practical way, it means that the United Nations as peacekeeping agent which conducts the action for maintaining peace and security. In that case, the United Nations on the behalf of the Security Council is called their action on operations. Several operations had been conducted by the United Nations for maintaining peace and security as their initiate to build a peace. Some troops, called the UN Peacekeeping Troops, was sent to the conflicted area for maintaining the situation even combate to upheld the value of peace and security.

The Iraq-Iran war was held in a very complicated condition, not only focused on one interest, but also on other unrevealed interests. Besides, the economic interest was the most visible goal of this conflict since the scramble of Shatt al-Arab until the making of border Shatt al-Arab divided in two regions for Iraq and Iran. Also

Khuzestan as the rich oil owned by Iran it became the main purpose of Iraq in invading Iran. But, the bad relation between Sunni and Shi'a brought the implication to the breakout of this war. Then, the war came with great damages in economic even more in humanity. Iran and Iraq would endure the implication of this war.

At the peacemaking process, sometimes the involve third parties are important to help ending the conflict. The coming of the third groups for ending the war is important because they come naturally for ending the conflict. They do not come as a pro to one of the actor n dispute. Or in other words, they come naturally for accommodating the interest coming from two actors that involving in the conflict to earn peace. In case of the Iraq-Iran war, the third party comes from the United Nations, as a worldwide peace organization to conduct the peace process through negotiation.

As the effort of peace process in the case of the Iraq-Iran war, the United Nations acts as the third parties. The United Nations, tries to find the solution from the conflict by issuing Resolution 598. This resolution initiates the peace process in conflict of the Iraq-Iran war. Resolution 598 is released by one of the bodies at the United Nations called the Security Council. The content of resolution in short is about the Council expressed its concern to, despite its calls for a ceasefire, the conflict between Iran and Iraq as it causes heavy loss of life and material destruction.

Finally, we can say that the coming of Resolution no 598 become effective to end the Iraq-Iran war in 1980 until 1988 because the way to form and implement the resolution uses management approach of compliance bargaining. The United Nations sucess to end the Iraq-Iran war by the mechanism of regime dynamics post agreement. In short, there are international post agreement through comprehensive disarmament, road map of reconciliation, dispute settlement, comprehensive normalization and domestic post agreement negotiation process through ratification negotiations, rulemaking negotiations, and enforcement monitoring reporting negotiations.

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