

Stressing the need for a full explanation of the facts of the incident based upon impartial investigation,

Gravely disturbed at the increasing exacerbation of tension in the Gulf region,

1. *Expresses its deep distress* at the downing of an Iranian civil aircraft by a missile fired from a United States warship and profound regret over the tragic loss of innocent lives;

2. *Expresses its sincere condolences* to the families of the victims of the tragic incident and to the peoples and Governments of their countries of origin;

3. *Welcomes* the decision of the International Civil Aviation Organization, in response to the request of the Islamic Republic of Iran, "to institute an immediate fact-finding investigation to determine all relevant facts and technical aspects of the chain of events relating to the flight and destruction of the aircraft" and welcomes the announcements by the United States of America and by the Islamic Republic of Iran of their decisions to cooperate with the International Civil Aviation Organization investigation;

4. *Urges* all parties to the Convention on International Civil Aviation, signed at Chicago in 1944, to observe to the fullest extent, in all circumstances, the international rules and practices concerning the safety of civil aviation, in particular those of the annexes to that Convention, in order to prevent the recurrence of incidents of the same nature;

5. *Stresses* the need for a full and rapid implementation of its resolution 598 (1987) of 20 July 1987, as the only basis for a comprehensive, just, honourable and durable settlement of the conflict between the Islamic Republic of Iran and Iraq, and reaffirms its support to the efforts of the Secretary-General to implement that resolution, committing itself to work with him in the development of his implementation plan.

Following the vote, the representative of the United States observed that the Islamic Republic of Iran's formal acceptance of resolution 598 (1987), coupled with Iraq's recent reaffirmation of its long-standing agreement to accept that resolution, laid the basis for an urgent and concerted effort towards its implementation. The United States welcomed the Secretary-General's announcement of his intention to send a team to the area for urgent talks with the parties.

The resolution just adopted did not in any way change the context or scope of current international law on free navigation or on the rights of belligerents or neutrals. The United States and five allied countries had expanded the Western naval presence in the Gulf, in accordance with international law, in order to ensure the right of neutral shipping to free navigation. He declared that the legitimacy of the Western naval presence was not subject to question, and the United States would maintain its Gulf policy.

The United States had expressed its regret over the loss of life and had conveyed its condolences to relatives of the victims. It had offered to pay *ex gratia* compensation to the families of the victims as a humanitarian gesture, but it did not apologize for the action of its warship, which had been taken in justifiable self-defence in the context of unprovoked attacks from Iranian forces.

The United States endorsed the actions taken by the Council of ICAO to investigate the incident, and looked forward to cooperating in that investigation and in the efforts that the President of the ICAO Council and the ICAO Secretary-General would be undertaking to improve civil aviation safety and to study possible improvements in ICAO Standards and Recommended Practices. In that context, the United States had supported the resolution just adopted, in the belief that it put the events of 3 July in proper perspective, and in the hope that it would remind the international community that it could not permit the conflict in the Gulf to continue.¹⁸

The representative of the Soviet Union stated, *inter alia*, that the majority of delegations had accurately assessed what had occurred in the Gulf and favoured measures to normalize the situation and ensure security in the region, as was reflected, to some extent, in the resolution just adopted.¹⁹

¹⁸*Ibid.*, pp. 11-15.

¹⁹*Ibid.*, p. 16.

39. THE SITUATION CONCERNING WESTERN SAHARA

Decision of 20 September 1988 (2826th meeting): resolution 621 (1988)

At the 2826th meeting, on 20 September 1988, the item was included in the agenda. The President indicated that the Security Council was meeting in accordance with the understanding reached in the Council's prior consultations.

The Secretary-General of the United Nations made a statement in which he informed the Council that the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro had, on 30 August 1988, in Geneva, given their agreement to proposals for a peaceful settlement by the Chairman of the Organization of African Unity (OAU) and himself within the framework of the mission of good offices. Those proposals were aimed at the promotion of a definitive solution of the question of Western Sahara in accordance with General Assembly resolution 1514 (XV) under the mandate conferred upon the Secretary-General by General Assembly resolution 40/50. The proposals called for providing a framework for the conclusion of a ceasefire and to establish conditions

for the organization of a credible referendum that would make it possible for the people of Western Sahara to exercise their inalienable right to self-determination. The referendum would be monitored by the United Nations in cooperation with OAU under the guidance of a Special Representative of the Secretary-General. The speaker outlined the plan for the period of preparation of and conduct of the referendum, as well as for the transition period. He requested Security Council authorization to appoint a Special Representative for Western Sahara and proposed that he should return to the Council at a subsequent stage for adoption of further necessary measures.¹

At the same meeting, the President put to the vote a draft resolution; it was adopted unanimously as resolution 621 (1988).

The resolution reads as follows:

The Security Council,

¹S/PV.2826, pp. 6-8.

Having heard a report by the Secretary-General of the United Nations on his mission of good offices, pursued jointly with the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in conformity with General Assembly resolution 40/50 of 2 December 1985, with a view to settling the question of Western Sahara,

Taking note of the agreement in principle given by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro on 30 August 1988 to the joint proposals of the Secretary-General and the current Chairman of the Organization of African Unity,

40. LETTER DATED 17 DECEMBER 1988 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

LETTER DATED 17 DECEMBER 1988 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

INITIAL PROCEEDINGS

By identical letters¹ dated 17 December 1988 addressed to the Secretary-General, the representatives of Angola and Cuba, respectively, informed the Secretary-General that, taking into account the fact that South Africa had formally undertaken to accept the implementation of Security Council resolution 435 (1978) with effect from 1 April 1989, it was the intention of their two Governments to sign, on 22 December 1988, an agreement providing for the redeployment northwards and the withdrawal of Cuban troops from the territory of Angola, in accordance with a timetable agreed between the two countries, and for verification by the United Nations of the implementation of the relevant provisions of the agreement. Accordingly, the representatives of Angola and Cuba, respectively, requested the Secretary-General to take the necessary steps to recommend to the Security Council that a group of United Nations military observers be fielded to carry out this mandate, in accordance with the agreements which representatives of the two countries had already reached with the Secretariat.

On 17 December 1988, the Secretary-General submitted a report² to the Security Council in order to help the Council to consider how it might respond to the request in the identical letters from Angola and Cuba about how such an observer mission might be carried out, if the Security Council decided to accept the request of the two Governments. The Secretary-General recommended that, if the Council decided to accede to the request of Angola and Cuba, an observer group should have the mandate of verifying the redeployment northwards and the phased and total withdrawal of Cuban troops from the territory of Angola, in accordance with the timetable agreed between Angola and Cuba. The Secretary-General further stated that the duration of the mission's mandate would be approximately 31 months; and that the observer group, which would be known as the United Nations Angola Verification Mission (UNAVEM), would be under the command

Anxious to support these efforts with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in cooperation with the Organization of African Unity,

1. *Decides* to authorize the Secretary-General to appoint a special representative for Western Sahara;

2. *Requests* the Secretary-General to transmit to it as soon as possible a report on the holding of a referendum for self-determination of the people of Western Sahara and on ways and means to ensure the organization and supervision of such a referendum by the United Nations in cooperation with the Organization of African Unity.

of the United Nations, vested in the Secretary-General, under the authority of the Security Council.

Decision of 20 December 1988 (2834th meeting): resolution 626 (1988)

At its 2834th meeting, on 20 December 1988, the Security Council included in its agenda the item entitled "Letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General";

"Letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General".³

The Council considered the item at the same meeting.

The President drew the attention of the members of the Council to the text of a draft resolution⁴ that had been prepared in the course of the Council's consultations.

At the same meeting, the draft resolution was voted upon and adopted unanimously as resolution 626 (1988).⁵ The resolution reads as follows:

The Security Council,

Noting the decision of Angola and Cuba to conclude a bilateral agreement on 22 December 1988 for the redeployment to the north and the staged and total withdrawal of Cuban troops from Angola, according to the agreed timetable,

Considering the request submitted to the Secretary-General by Angola and Cuba in letters dated 17 December 1988,

Having considered the report of the Secretary-General dated 17 December 1988,

1. *Approves* the report of the Secretary-General and the recommendations therein;

2. *Decides* to establish under its authority a United Nations Angola Verification Mission and requests the Secretary-General to take the necessary steps to this effect in accordance with his aforementioned report;

3. *Also decides* that the Mission shall be established for a period of thirty-one months;

4. *Further decides* that the arrangements for the establishment of the Mission shall enter into force as soon as the tripartite agreement

¹S/20336 (letter dated 17 December 1988 from the Permanent Representative of Angola to the United Nations addressed to the Secretary-General) and S/20337 (letter dated 17 December 1988 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General).

²S/20338.

³For adoption of the agenda, see S/PV.2834, p. 2.

⁴S/20339, subsequently adopted as resolution 626 (1988).

⁵For the vote, see S/PV.2834, pp. 2 and 3.