

At the 2466th meeting, the representative of Afghanistan stated that if the Council were to tolerate the American actions against the Libyan Arab Jamahiriya and other States Members of the United Nations, the confidence of the international community in the Council would soon inevitably vanish. He reminded the Council that very often it had become totally paralysed whenever it had had to discuss a situation involving the United States. For the sake of the **credibility** of the United Nations and especially that of the **Council**, the speaker called for prompt action to discourage the United States from its activities that endangered peace and security in various parts of the world.<sup>5</sup>

The representative of Guyana remarked that in that situation, it behoved the Council to seek ways of exerting maximum influence for the exercise of restraint and for the promotion of inter-State relations firmly rooted in the rule of law and the principles of the **Charter**.<sup>5</sup>

The representative of the Sudan called the request of the Libyan Arab Jamahiriya for an urgent meeting of the Council an attempt to deceive the Council as well as the international community and to divert attention from the prevailing situation. He supported that attention should be focused on the aggression perpetrated by the Libyan Arab Jamahiriya against the people and Government of Chad, and that the Council should continue to consider Chad's complaint against the Libyan Arab Jamahiriya. **Regarding** the military exercises in the area, he stressed that they were not directed against any neighbouring States but that their purpose was to train the Sudanese armed forces and to raise the level of their ability and readiness to defend **themselves**.<sup>5</sup>

At the 2468th meeting, on 16 August 1983, the representative of India pointed out that the world was witnessing a sharp escalation of tension and conflict in the Mediterranean and North African regions, as the result of an increasing recourse to the use or threat of force and to military intervention in violation of the purposes and principles of the Charter. There was an urgent need for the exercise of restraint on all sides so that the fighting which threatened to engulf the whole area could be ended immediately and the process of dialogue in search of peace and reconciliation begun without delay. He supported all efforts to promote a solution within the framework of OAU and in the light of the decisions taken at the Assembly of Heads of State and Government of OAU held at Addis Ababa in July 1983.<sup>6</sup>

At the end of the 2468th meeting the President announced that the next meeting of the Council to continue consideration of the item would be scheduled after consultations with the members of the **Council**.<sup>6</sup>

#### NOTES

<sup>1</sup> S/15914, OR, 38th yr., Suppl. for July-Sept. 1983.

<sup>2</sup> For details, see chap. II of the present Supplement.

<sup>3</sup> 2464th mtg.

<sup>4</sup> See also the letter dated 22 July 1983 from the representative of the United States to the President of the Council. S/15887, OR, 38th yr., Suppl. for July-Sept. 1983.

<sup>5</sup> 2464th mtg.

<sup>6</sup> 2468th mtg.

21. **LETTER DATED 1 SEPTEMBER 1983 FROM THE ACTING PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**
22. **LETTER DATED 1 SEPTEMBER 1983 FROM THE PERMANENT OBSERVER FOR THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**
23. **LETTER DATED 1 SEPTEMBER 1983 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**
24. **LETTER DATED 1 SEPTEMBER 1983 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**
25. **LETTER DATED 2 SEPTEMBER 1983 FROM THE ACTING PERMANENT REPRESENTATIVE OF AUSTRALIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

#### INITIAL PROCEEDINGS

By letter dated 1 September 1983, the representative of the United States requested, in association with the Republic of Korea, an urgent meeting of the Council to consider the shooting down on 31 August 1983 of a Korean Air Lines commercial air liner which had strayed into Soviet airspace.

By note<sup>2</sup> dated 1 September 1983, the President of the Council transmitted a letter of the same date from the Permanent Observer for the Republic of Korea to the United Nations requesting an urgent meeting of the Council in accordance with Article 35 of the Charter. In a letter<sup>3</sup> of the same date the representative of Japan also requested an urgent meeting of the Council, and by letters dated 1 and 2 September the representatives of Canada and Australia, respectively, associated their Governments with the request made by the Government of the United States and the Republic of Korea.

At its 2470th meeting, on 2 September 1983, the Council included the letters in its agenda, and considered the matter at its 2470th to 2474th and 2476th meetings, from 2 to 12 September 1983. In the course of its meetings the Council invited the representatives of the following Member States, at their request, to participate in the discussion without the right to vote: at the 2470th meeting, Australia, Canada, the Federal Republic of Germany, Japan and New Zealand; at the 2471st meeting, Bangladesh, Belgium, Italy, Liberia, Nigeria, the Philippines, Portugal, Sierra Leone, Spain and Sweden; at the 2472nd meeting, Colombia, Egypt, the Libyan Arab Jamahiriya and Malaysia; at the 2473rd meeting, Bulgaria, Costa Rica, the Dominican Republic, Ecuador, Fiji, German Democratic Republic, Guatemala, Ireland, Kenya and Singapore; at the 2474th meeting, Chad, Paraguay and Thailand; and, at the 2476th meeting, the Ivory Coast, the Sudan and Venezuela.<sup>6</sup> The representative of the Republic of

Korea was also invited, at the 2470th meeting, in accordance with Article 32 of the **Charter**.<sup>7</sup>

At the 2470th meeting, on 2 September 1983, the Foreign Minister of the Republic of Korea stated that on 31 August 1983 Korean Air Lines flight 007, a regularly scheduled **flight**, on an internationally demarcated route, which was clearly and unmistakably marked and carried only crew members, passengers and their authorized freight and baggage, had been tracked and shot down by Soviet military authorities. He asserted that no provision in international law justified the use of force against an unarmed civilian airliner under any circumstances and that the Soviet action represented a threat to the safety of all civil airliners and to the future of civil aviation.

His Government believed that in order to resolve the crisis and ensure the safety of civil aviation the Soviet Union must take at least the **following** five steps: (a) provide a full and detailed account of what had happened; (b) apologize and provide full compensation for the loss of the lives of passengers and crew members and the destruction of the aircraft; (c) punish those responsible; (d) guarantee representatives of international organizations such as the International Civil Aviation Organization (ICAO), of Korean Air Lines and of the Government of the Republic of Korea access to the crash site and return any remains or debris that were found; and (e) give specific, concrete and effective guarantees against the recurrence of such **action**.<sup>8</sup>

The representative of the United States expressed similar views and charged that the Soviet Union had continued to deny responsibility for shooting down the airliner, had expressed no regret over the loss of life and had indicated no readiness to punish those **responsible**.<sup>8</sup>

The representative of the Soviet Union stated that there was no need or reason for the **meeting** of the Council and read a Tass statement about the incident, in which it was stated that an unidentified aircraft, flying up to 500 kilometres from the established international route, without navigational lights, had spent more than two hours over Soviet territory, making no attempt to establish radio contact and ignoring Soviet attempts to establish contact. A Soviet aircraft had **-fired** warning shots with tracers along its route, soon after which the unidentified plane had left Soviet airspace, and was beyond radar observation after about 10 minutes. The Soviet Union maintained that the Korean Air Lines aircraft had deliberately violated Soviet airspace? with the knowledge of United States authorities, **in** order to attain special intelligence aims. It regretted the loss of life and condemned those who had allowed the deaths and were trying to use the event for political purposes.\*

The representative of Japan stated that the action taken by the Soviet authorities was out of proportion and in contravention of the Chicago Convention on International Civil **Aviation**,<sup>9</sup> which stipulated that protection of international civil aviation must be **guaranteed** and called for abstention from the use of **force**.<sup>8</sup>

The representative of Canada suggested a **three-part** programme to prevent such incidents: (a) the Secretary-General should conduct an impartial **investigation**, reporting to the Council as soon as possible; (b) the International Civil Aviation Organization (ICAO) should investigate the incident and make

**recommendations** on improving the rules of **international** civil aviation; Canada took it for granted that the Soviet Union would cooperate **in** such an investigation; and (c) as an interim measure, the Soviet Union should, for urgent humanitarian reasons, pay compensation to the families of the victims. He warned that an exercise of the veto that would prevent the Council from taking necessary action would be interpreted as an admission of guilt and a lack of conscience.\*

At the 2471st meeting, the representative of the United States played a tape recording of the radio communications of the Soviet pilots who had intercepted the Korean Air Lines aircraft, supplied by her Government in co-operation with the Government of Japan. After playing the tape, for which the United States **delegation** provided a transcript in English and Russian, **she** stated that the transcript established that the intercepting pilot had seen the airliner's navigation lights and had reported that fact to the ground but had not mentioned firing any warning shots, and there was no indication that he had made any attempt to communicate with the air liner or to signal it to land. He had never questioned the identity of the aircraft or referred to it as anything other than "the target", although he had come close **enough** to identify it as a 747 passenger airliner and **could** easily have pulled up closer to assure its identity.

She indicated that the attacking interceptor's statement that "the **target** isn't responding to **IFF**" meant that the aircraft **did** not respond to the electronic interrogation by which military aircraft identify friends or foes, which a civilian aircraft is not equipped to do. Observing that the Soviets had recently implied that the Korean Air Lines plane might have been mistaken for a United States reconnaissance plane, she stated that at the time the airliner had been shot down the reconnaissance plane referred to by the Soviets had been on the ground for more than one hour over 1,500 miles away. Moreover, the United States did not fly reconnaissance missions in Soviet airspace; the Soviet Union knew the flight patterns of **United** States missions and could readily identify them.

The representative of the Soviet Union stated that the Korean Air Lines aircraft had flown directly over a Soviet naval base and other military sites in an area closed to overflights by foreign aircraft, penetrating 500 kilometres into Soviet territory. The plane had sent a communication stating that its navigational equipment was working normally and had been equipped with three autonomous navigational computers which were hardly likely to have failed all at once. Addressing suggestions that the plane's radio equipment had been out of order, he stated that **according** to the Japanese Kyodo News Service the aircraft had been in radio communication with Japanese ground services up to the moment it disappeared, and he noted that the United States and Japanese authorities had avoided publicizing any recordings of communications between the pilot and the ground services. He indicated that the American **press** had reported that the United States had closely followed the Korean Air Lines plane throughout its flight, and questioned why neither the United States nor the Japanese ground services had warned the air liner of its violation of Soviet airspace or attempted to contact the Soviet authorities.

A United States RC-135 reconnaissance plane that had been in the same area, following a course exactly **parallel** to that of the **Korean Air Lines** plane and at **least** in one instance intersecting that **course**, could have turned the Korean Air Lines plane back to international airways or informed the Soviet side through the American services as to the reason for its presence. He suggested, however, that the reconnaissance plane might have been determining the **co-ordinates** and activities of the radar stations set in motion to observe the behaviour of the Korean Air Lines plane. He stated that there had recently been deliberate violations of Soviet borders by United States planes, and on the eve of the incident seven flights by United States reconnaissance planes **had** been recorded in the vicinity, including one that was observed carrying out **manoeuvres** in an area directly contiguous to the point at which the air liner **had** entered Soviet **airspace**.<sup>10</sup>

At the 2472nd meeting, the representative of the Soviet Union read a statement by his Government, according to which the attempts by the Soviet fighter planes to establish contact with the Korean Air Lines plane had included the general call signal on the **international emergency frequency**, which the plane must have received but had not responded to. From time to time Soviet radio control had picked up short coded signals such as were usually used in transmitting intelligence information. The Anti-Aircraft Forces of the area, having analysed the actions of the intruder plane and taken into account the fact that it was flying over strategically important areas of the Soviet Union, had concluded that a reconnaissance plane was in Soviet airspace. The Soviet interceptor had stopped the flight as ordered, but could not have known that it was a civilian plane because visibility had been poor and the plane had not responded to signals. The sovereign right of a State to protect its borders, and in particular its airspace, was a principle of international law; the Soviet Union would continue to act in keeping with its legislation, which was in accordance with international law. The intrusion of the Korean Air Lines plane had not been the result of a technical error; the Soviet Union attributed the entire responsibility for the tragedy to the leaders of the United States.<sup>1</sup>

The representative of Belgium stated that there was no justification for invoking self-defence as an excuse for destroying a civilian aircraft. Her delegation could not imagine security interests that were so important as to call for a military attack against an unarmed civilian air liner, especially when so many technical means for risk-free collection of information existed. Accepting that circumstances justified the action would introduce a factor of permanent insecurity into international civil aviation. The Soviet Union must shoulder full responsibility for the incident, guarantee facilities for on-site investigation, punish those responsible, and take all measures to avoid the repetition of such incidents."

The representative of the Libyan Arab Jamahiriyah, recalling that on 21 February 1973 a Libyan civilian aircraft had been similarly shot down, maintained that the current incident should be studied **objectively** and the causes of both incidents examined. The **Council** should consider what risks were involved in the use of reconnaissance planes in conjunction with the flights of civilian aircraft, what harm was caused **by** the use of reconnaissance and other aircraft to jam civilian aircraft communications and disrupt civilian

air traffic, and draw the appropriate conclusions so as to put an end to such incidents."

At the 2473rd meeting, the representative of Poland expressed a number of doubts regarding the United States version of events. He noted that in the tapes presented by the United States (for which no proof of authenticity had been submitted) the Soviet pilots had at no time referred to the plane in a way that indicated an awareness that it was a civilian aircraft carrying passengers, while the length of time that the Korean Air Lines plane had been in Soviet airspace indicated that there must have been repeated attempts to establish contact with it. And if the Soviet pilots had established visual contact with the Korean Air Lines plane as claimed, then the reverse would have to be true as well, giving rise to the question of why the air liner had failed to follow the generally accepted rules that applied in such cases. He called attention to the gradual manner in which the United States was revealing additional information and expressed concern at the haste with which a number of speakers in the debate had pronounced judgement in the matter, before all information **had** been gathered and **presented**.<sup>12</sup>

The representative of Japan, responding to the Soviet **statement**<sup>10</sup> criticizing Japan for not alerting the Korean Air Lines aircraft before it had been shot down, stated that Japan had been in no position to do so. Japanese surveillance radar visibility was limited to the air space over and around Japan, and when the location of an aircraft could not be seen by radar air **traffic** control relied on communication from the pilot on the assumption that such communication was correct. He stated that the record of radio transmissions between the pilot of flight 007 and Japanese air **traffic** control—which he read **to** the Council—revealed that communication had been normal until, at 0327 Japan standard time, the signal had become unintelligible. This was already after the aircraft had been shot down by the Soviet Union, at 032621. A Japanese Air Self-Defence Forces radar station had picked up an unidentified aircraft, which subsequent analysis indicated had been the Korean Air Lines plane, but as the unidentified aircraft had been **monitored** only for the last 17 minutes of its flight the Air Self-Defence Forces could not have known then that flight 007 had strayed from course. The Japanese Government demanded that the Soviet Union **promptly** retract its charges and respond in good faith to the incident.\*

**Decision** of 12 September 1983 (2476th meeting): rejection of a revised **17-Power** draft resolution

At the 2474th meeting, on 8 September, the representative of Thailand stated that available **information** indicated beyond reasonable doubt that, whatever the intent and purpose of the action by the Soviet pilot, the act had been performed in the course of **official** duty, which, according to international law, imputed the responsibility to the **State**.<sup>13</sup>

Following a brief suspension of the meeting, the representative of the Netherlands introduced a draft **resolution**<sup>14</sup> sponsored by Australia, Canada, Fiji, France, Japan, Malaysia, the Netherlands, New Zealand, the United Kingdom and the United States, by which, in the preamble? the Council would have declared itself **gravely** disturbed that a Korean Air Lines civil air liner had been shot down by Soviet military aircraft with the loss of all 269 people on board; expressed its condolences to the families of

the victims and urged all parties concerned to assist them in dealing with the consequences of the tragedy as a humanitarian gesture; reaffirmed the rules of international law prohibiting acts of violence posing a threat to international civil aviation; recognized the right under international law to appropriate compensation; and stressed the need for a full and adequate explanation of the facts of the incident based upon impartial investigation.

In the operative part, the Council would have deeply deplored the destruction of the Korean Air Lines air liner and the loss of civilian life therein; declared that such use of force against international civil aviation was incompatible with the norms governing international behaviour and elementary considerations of humanity; urged all States to comply with the aims and objectives of the Chicago Convention on International Civil Aviation; welcomed the decision to convene an urgent meeting of the ICAO Council to consider the incident; urged all States to cooperate fully with ICAO in efforts to strengthen the safety of international civil aviation and to prevent any recurrence of such use of armed force against international civil aviation; invited the Secretary-General, making use of such expert advice as he deemed necessary and in consultation with appropriate international bodies, to conduct a full investigation into the circumstances of the tragedy; further invited the Secretary-General to report his findings to the Council within 14 days; called upon States to lend their full cooperation to the Secretary-General in order to facilitate his investigation; and decided to remain seized of the issue.

The representative of the Netherlands observed that the principal objective of the draft resolution was to contribute to the future safety of civil aviation and stated that the sponsors believed that such a clear statement by the Council would do much to allay the apprehension concerning the future of air safety caused by the incident and felt throughout the world."

At the 2476th meeting, the President drew attention to a revised text of the draft resolution<sup>6</sup> sponsored by Belgium, Colombia, the Federal Republic of Germany, Italy, Paraguay, the Philippines and Thailand, in addition to the original sponsors.<sup>17</sup>

The representative of the Netherlands pointed out that the changes in the draft resolution included the reversal of the order of the fifth and seventh preambular paragraphs, so that the paragraph recognizing the right to appropriate compensation followed the paragraph stressing the need for an explanation of the facts based on an impartial investigation, and the inclusion of an additional preambular paragraph recognizing the importance of the principle of territorial integrity as well as the necessity that only internationally agreed procedures should be used in response to intrusions into the airspace of a State."

The representative of the Soviet Union stated that a commission set up by his Government to investigate the incident had established the following facts: the Korean Air Lines plane had gone off course shortly after takeoff. It had been within the range of United States radar up to the time it had been detected by Soviet radar and had failed to pass through the special control points along the normal route, so it was not possible that the United States services had not been aware of the plane's deviation from course. The aircraft had been sighted on Soviet

radar in an area where United States intelligence planes were regularly on duty showing radar characteristics similar to those of an RC-135 intelligence plane and had approached a previously sighted RC-135 in the area until, for about 10 minutes, the images of the two planes had become completely merged on the radar screen. When the planes had separated and one of them had proceeded towards Petropavlovsk-Kamchatskiy, Soviet anti-air defence command had concluded that an intelligence plane was approaching Soviet airspace. The plane had proceeded directly to the most important base of the Soviet nuclear strategic forces. Failing to respond to warning signals transmitted by Soviet interceptors, it had started to manoeuvre towards an area and at a height and speed different from those of the pursuing plane, had then suddenly changed course and had flown around anti-aircraft missile bases and had passed over important military installations in the southern part of Sakhalin. The plane had ignored warning shots with tracers and had tried to escape, so the Soviet interceptors had followed the order to abort the flight, using missiles.

The Soviet representative then drew attention to a *Washington Post* article of 7 September in which United States Air Force sources had acknowledged that part of the job of United States intelligence planes was to determine how Soviet radar installations reacted to the invasion of alien planes, how many fighters they mobilized and from what bases, in order to intercept them; he noted that such information could not be gained through artificial satellites. He claimed that the record of radio communications between the Korean Air Lines pilot and the ground services made public by Japan constituted a mere extract, and that there were discrepancies between the Russian text and the American translation of the recordings of the communications of the Soviet pilots presented by the United States: for example, in the Russian text the pilot had said that the aircraft he was pursuing was "not responding to the request", which had been translated to read that the plane had not responded to "IFF". Noting that the United States had recently acknowledged that the Soviet pilot had fired cannon bursts, he pointed to the possibility of further corrections appearing in due course and concluded that if the Council were to take any action it should be to prohibit the use of civilian aircraft for intelligence purposes in violation of the airspace of other countries. In view of the foregoing, his delegation would vote against the revised draft resolution."

The representative of France stated that his delegation was a sponsor of the revised draft resolution because of France's feelings of horror and indignation and desire to ensure that similar tragedies would never recur. The draft resolution stressed the need to enhance the safety of international civil aviation and, to that end, urged all States to cooperate fully with ICAO, which was the context in which the necessary improvements in civil aviation law had to be established. For that reason his country had supported the request for an urgent meeting of ICAO, at which France would make specific proposals for preserving the safety of civil aviation.

The representative of China stated that his delegation was deeply concerned over the safety of civil aviation and agreed to the proposal that investigations be conducted, but in view of the serious dispute

over certain aspects of the incident, would abstain when the draft resolution was put to the **vote**.<sup>17</sup>

The representative of Jordan stated that several paragraphs in the revised draft resolution **contained** pre-judgements incompatible with **the** call for a comprehensive investigation, or **contained** provisions beyond the scope of the issue. In **particular**, operative paragraph 2 made an absolute **judgement** in the absence of full knowledge of the circumstances, included a moral condemnation when it was difficult, if not impossible, to identify moral responsibility in the light of the discrepancies among the accounts of the incident, and betrayed the ideological rivalry of East and West, which was incompatible with the desire for peaceful coexistence and the principles of the Charter. His country's position on the revised draft resolution proceeded from Jordan's acceptance of its humanitarian and technical aspects **only**.<sup>17</sup>

The representative of Malta, observing that the full story **might** never be known, asserted that the Council's primary concern should be to protect civil aviation. His delegation would vote for the revised draft resolution, as amended, because it had been assured that the Secretary-General would work closely with ICAO at its upcoming meeting to **explore** elements designed to safeguard civil aviation.<sup>17</sup>

The President, speaking as the representative of Guyana, stated that **the** air liner tragedy underscored the need for a reduction in international tension, particularly between the two super-Powers. His delegation would abstain in the vote on the revised **draft** resolution because, although Guyana supported many of the elements it contained, it did not deal with all of the issues and its Impartiality was questionable. He **regretted** that there had been no attempt to consult **with** members informally in order to reach a broad consensus. The draft resolution failed to address the question of why the Korean Air Lines aircraft was over Soviet territory and whether it had been on an exclusively civilian mission, while the new fifth preambular paragraph fell short of the clear and unequivocal reaffirmation of the need for States to respect the sovereignty and territorial integrity of other States, which Guyana believed was called for. The revised draft resolution stressed the need for an explanation of the facts based on an impartial investigation, whereas the purpose of an investigation should be to ascertain the facts, not explain them, and the imposition of a **14-day** time limit was restrictive and inconsistent."

Resuming his function as President of the Council, he put the revised draft resolution to a vote. It received 9 votes in favour, 2 against, and 4 abstentions, and was not adopted owing to the negative vote of a permanent member of the **Council**.<sup>18</sup>

Following the vote, the representative of the United Kingdom asserted that by vetoing the **draft** resolution **the** Soviet Union had demonstrated its lack of concern for the moral dimension of the incident and its possible repercussions on **international** civil aviation, and was relying instead on a narrow and legalistic defence of its action on the basis of internal legislation, which it claimed was in accordance with international law. His delegation considered the Soviet action a breach of international law, a basic tenet of which was that a State could not invoke the provisions of international law in order to avoid international responsibilities, and was still waiting for an assurance that the Soviet action was

not meant to be a signal of its intentions towards international relations as a whole; moreover, even in terms of the Soviet regulation presumably referred to, the Soviet defence was unsatisfactory. For all those reasons, the United Kingdom had voted in favour of the revised draft **resolution**.<sup>17</sup>

The representative of the United States declared that the position of the Soviets had been both inconsistent and contradictory. The Soviet Union had claimed that flight 007 had been on a spying mission, but it had also stated that it had mistaken the Korean Air Lines plane for an RC-135 reconnaissance plane sighted earlier in the evening, thus tacitly acknowledging that flight 007 had not been on a spying mission after all.

She cited the testimony given to The New York Times **by** a Korean Air Lines pilot whose plane, had strayed **into** Soviet territory in 1978 and been **hit** by a Soviet missile, when the Soviet Union had similarly claimed to have tracked the plane, flown around it and fired warning shots. The Korean Air Lines pilot had stated that **he** had seen the Soviet plane only once, to his right, while international guidelines called for the interceptor to show himself on the left, where the pilot sits. He had immediately reduced his speed and flashed his **landing** lights in the **international** signal that he would follow the interceptor's instructions, and had tried to establish radio contact but the two planes were on different frequencies. The next thing he knew, a Soviet missile had shorn off almost 15 feet of his plane's **left** wing, killing two passengers and forcing him to make an emergency landing.

The United States representative concluded in the **light** of that previous incident and the fact that the **pilot** of flight 007 had failed to indicate that he had been intercepted that there had been no communications with the Korean Air Lines **pilot** on normal **emergency** frequencies; that the **firing** of cannon bursts did not alter that conclusion, since they might well have been regular, invisible rounds rather than tracers; and that even **if** the Soviet pilot had tried to communicate with the air liner and for some reason had failed to get through, it would not justify shooting down a civilian air liner, especially within 60 seconds of its leaving Soviet airspace, when it could have done no conceivable harm.

She contrasted the Soviet Union's reaction to the present incident with its response a couple of years earlier, when a Soviet W class submarine had run aground near a Swedish naval base, deep inside Swedish waters. On that occasion the Soviet Union maintained that Sweden could not so much as detain the intruding warship and must simply escort it out of Swedish waters. The Soviet Union would not accept that flight 007 could have accidentally strayed into Soviet airspace, despite 21 recorded incidents in which planes with **similar** navigational equipment had gone off course, **yet** it insisted that the Soviet submarine had found **its** way into restricted Swedish waters as a result of instrument failure and had refused to rule out the possibility of a future "break-down situation".

Referring to a recent statement by the Foreign Minister of the Soviet Union that Soviet territory and borders were "sacred", she noted that United States borders had frequently been violated by Soviet planes flying over sensitive **military** installations although those planes had not been **shot** down, and

she questioned how the Soviet Union reconciled the principle of absolute Soviet sovereignty with the doctrine of limited **sovereignty** propounded in a 1968 *Pravda* article, in which the Soviet Union had claimed the **right** to invade any Soviet-bloc country that threatened to deviate from loyalty to Moscow, as well as the right to intervene in the affairs of States that were not a part of the Soviet bloc.

She stated that, ultimately, the question before the Council was whether a country not at war had the right to shoot down planes that entered its airspace **without authorization**; her delegation did not believe that the protection of its **sovereignty** gave a State the right to shoot down any plane flying anywhere over its territory in peacetime."

The representative of Zimbabwe stated that his **delegation** had abstained in the vote on the draft **resolution** because it was not satisfied that all the circumstances surrounding the incident had been made known and fully explained, nor that irrelevant factors had not been brought to bear upon the Council's consideration of the **matter**.<sup>17</sup>

The representative of Japan, claiming that the evidence his country had provided through the United States delegation on 6 September proved conclusively that the Soviet Union had shot down an innocent civilian air liner, stated that the Soviet veto of the revised draft resolution was an abuse of the veto and that his country would not relent in its efforts to uncover the facts and force the Soviet Union to accept its responsibility."

The representative of the Republic of Korea stated that the allegations he had made in his **first** statement before the Council had been irrefutably proven during the ensuing debate and that the Soviet veto of a revised draft resolution, which called for an impartial investigation could be interpreted only as an admission of guilt. His Government **reaffirmed** the demands they had made on that occasion on behalf of the future safety of all air **travellers**, whatever their nationality, in order to prevent the use of armed force against international civil **aviation**.<sup>18</sup>

## NOTES

- <sup>1</sup> S/15947, OR, 38th yr., Suppl. for July-Sept. 1983.
- <sup>2</sup> S/15948, *ibid*.
- <sup>3</sup> S/15950, *ibid*.
- <sup>4</sup> S/15949, *ibid*.
- <sup>5</sup> S/15951, *ibid*.
- <sup>6</sup> For details, see chap. III of the present Supplement.
- <sup>7</sup> 2470th mtg. See also chapter III of the present Supplement.
- <sup>8</sup> 2470th mtg.
- <sup>9</sup> United Nations, *Treaty Series*, vol. 15, No. 102, p. 295.
- <sup>10</sup> 247 1st mtg.
- <sup>11</sup> 2472nd mtg.
- <sup>12</sup> 2473rd mtg.
- <sup>13</sup> 2474th mtg.
- <sup>14</sup> S/15966, OR, 38th yr., Suppl. for July-Sept. 1983.
- <sup>15</sup> 2474th mtg.
- <sup>16</sup> S/15966/Rev.1, OR, 38th yr., Suppl. for July-Sept. 1983.
- <sup>17</sup> 2476th mtg.
- <sup>18</sup> For the vote, see 2476th mtg.

26. LETTER DATED 12 SEPTEMBER 1983 FROM THE REPRESENTATIVE OF NICARAGUA ON THE SECURITY COUNCIL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

## INITIAL PROCEEDINGS

By letter dated 12 September 1983, the representative of Nicaragua requested the President of the Security Council to convene an urgent meeting of the Council to consider what he termed as the situation brought about by a new escalation of acts of aggression against his country.

At its 2477th meeting, on 13 September 1983, the Council included the question in its agenda. The Council considered the item at the same meeting.

At that meeting, the representative of Nicaragua charged that his country was once again forced to alert the Council to the alarming escalation of the aggression against Nicaragua during the past few weeks revealing that United States assistance to Somozist and mercenary groups was **increasing**. He said that the latest **attacks** against his country clearly demonstrated that those groups were being supplied with an increasing amount of sophisticated equipment. He charged that the United States controlled all the counter-revolutionary activities against Nicaragua and had been able to establish co-ordination between the Nicaraguan Democratic Front (FDN) based in Honduras and the **counter-revolutionary** and mercenary forces operating along the southern border. He accused the United States of attempting not only to destroy the Nicaraguan revolution and to overthrow its Government but also to terrorize the Nicaraguan people. Referring to the statements of senior United States **officials**, he stated that war continued to be the centre of the United States policy toward Nicaragua. He concluded by reiterating Nicaragua's readiness for dialogue and understanding with the United States.<sup>2</sup>

The President of the Council announced that there were no further **speakers** and that the Council would remain seized of the **matter**.<sup>2</sup>

## NOTES

- <sup>1</sup> S/15975, OR, 38th yr., Suppl. for July-Sept. 1983.
- <sup>2</sup> 2477th mtg.

## 27. THE SITUATION IN GRENADA

## INITIAL PROCEEDINGS

Decision of 27 October 1983 (2491st meeting): rejection of a three-Power draft resolution

By a letter dated 25 October 1983, addressed to the President of the Council, the Deputy Minister for External Relations of Nicaragua requested an urgent **meeting** of the Council to consider the invasion of Grenada by United States troops.

At its 2487th meeting on 25 October 1983, the Council included the item in its agenda. Following the adoption of the agenda, the Council invited the following at their request, to participate, without a vote, in the discussion of the item: at the 2487th meeting, the representatives of Cuba, Democratic Yemen, Grenada, the Libyan Arab Jamahiriya, Mexico and Venezuela; at the 2489th meeting, the