

through negotiation of a comprehensive regional agreement", which the United States had supported. He pointed out that the issue before the Council was not one between Nicaragua and the United States; the real problem was the aggression of Nicaragua against its neighbours and the United States was prepared to come to the prompt assistance of the victims.⁷

The representative of Nicaragua questioned the United States insistence on attributing the problems of Central America solely to Nicaragua and observed that the Security Council and the international community were long aware that his country had been more than once subjected to aggression. She referred to a ruling in that regard by the International Court of Justice condemning the United States for its policy of aggression. She affirmed that the only force in Honduran territory that was not Honduran was that of the United States and the counter-revolutionary force created, armed and supplied by the United States Administration. She questioned why the mechanism of a fact-finding commission of the Secretary-General of the United Nations, proposed by her Government to the United States and Honduras, had not been accepted and reiterated that the reason for convening that meeting was to alert the Security Council to the fabrications and pretexts for wider United States involvement in the direct actions against Nicaragua. She recalled that the mechanism should be found for a solution of the situation within the Contadora

framework and in bilateral relations between the United States and Nicaragua. She reiterated the appeal made at a meeting with the Secretary-General of the United Nations to send a fact-finding mission to the border area, despite objections from the Honduran Government, and to send a commission to the bombed area of Nicaragua.⁸

The representative of Honduras, exercising the right of reply, clarified that his country was unable to accept the on-site presence of a United Nations commission as a matter of "national dignity", unless Nicaragua agreed to withdraw the Sandinista troops from its territory. He also stated that the military base in question was under sovereign administration, management and ownership of his country; the United States advisers operated in Honduras within the framework of friendly relations. He confirmed his country's readiness to withdraw the military advisers, in the interest of peace in the region, provided that Nicaragua would also withdraw its troops. He also denied that Honduras had sought to obtain F-15 aircraft and that it had a large number of F-5s. The representative presented photocopies of the military identification papers of Nicaraguan soldiers who were on Honduran territory, and other evidence.⁹

The President said that there were no more speakers on the list and that the next meeting of the Council would be fixed in the course of consultations.

⁷S/PV.2728, pp. 26-28.

⁸Ibid., pp. 28-32.

⁹Ibid., pp. 32 and 33.

31. STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL (IN CONNECTION WITH HOSTAGE-TAKING AND ABDUCTION)¹

Decision: Statement by the President.

On 28 January 1987, following consultations of the Security Council, the President was authorized to issue a statement on behalf of the Members of the Council. The Statement reads as follows:

¹S/18641.

The members of the Security Council have had occasion in the past to draw attention to various acts of hostage-taking and abduction. In resolution 579 (1985) the Security Council condemned unequivocally all such acts and called for the immediate safe release of all hostages and abducted persons wherever and by whomever they are being held. Conscious of the serious implications of this issue, and, in particular, its humanitarian aspects, the members of the Council again condemn all acts of hostage-taking and abduction and demand the immediate and safe release of all hostages and abducted persons.

32. LETTER DATED 10 FEBRUARY 1988 FROM THE PERMANENT OBSERVER OF THE REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

LETTER DATED 10 FEBRUARY 1988 FROM THE PERMANENT REPRESENTATIVE OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

By a note¹ dated 10 February 1988, the President of the Security Council circulated the text of a letter of the same date, together with its enclosure, from the Permanent Ob-

¹S/19488.

server of the Republic of Korea to the United Nations addressed to the President of the Security Council, requesting an urgent meeting of the Council, in accordance with Article 35, paragraph 2, of the Charter of the United Nations, to consider the situation arising from the incident in which a commercial passenger airliner, Flight 858, of the Republic of Korea, with 115 people on board, had been destroyed by an explosion in mid-air during a regular flight from

Baghdad to Seoul on 29 November 1987. The Permanent Observer of the Republic of Korea to the United Nations had also stated that the findings of the investigation by his Government had revealed that the explosion had been caused by time bombs that were planted by two North Korean agents. He had further declared that the Republic of Korea accepted, in connection with its request for a meeting of the Security Council, the obligations of a peaceful settlement of disputes as stipulated in the Charter; and requested, in the same letter, that a representative of his Government be invited by the Security Council to participate in the discussion in accordance with Article 32 of the Charter.

By a letter² dated 10 February 1988 addressed to the President of the Security Council, the representative of Japan requested that an urgent meeting of the Council be convened to consider the destruction on 29 November 1987 of the Korean Air Lines passenger aircraft, Flight 858, which had claimed 115 victims.

At the 2791st meeting, on 16 February 1988, prior to the adoption of the provisional agenda, the representative of the Union of Soviet Socialist Republics stated that his delegation held the view that the inclusion of the present item in the agenda of the Security Council could well have negative consequences for the situation in the Korean peninsula, which was already quite tense; and that it wished to have that view reflected in the Council's records.³ The Council then adopted⁴ the agenda, which included the letters from the Permanent Observer of the Republic of Korea to the United Nations and from the representative of Japan, respectively; and considered the item at the 2791st and 2792nd meetings, held on 16 and 17 February 1988. In the course of its deliberations, the Council invited, at his request, the representative of Bahrain to participate, without vote, in the discussion of the item.⁵ The Council also extended invitations, at their request, to the Democratic People's Republic of Korea and the Republic of Korea to participate in the discussion, without the right to vote, in accordance with the provisions of Article 32 of the Charter.

Decision of 17 February 1988 (2792nd meeting): adjournment

At the 2791st meeting, on 16 February 1988, the Minister for Foreign Affairs of the Republic of Korea recalled that a Korean Aircraft had been blown up in mid-air over the Andaman Sea off the coast of Burma, while on a flight from Baghdad to Seoul via Abu Dhabi, on 29 November 1987, and that all 115 passengers and crew, including one Indian and one Lebanese national, had been killed. He then stated that his Government had brought the matter before the Security Council for the following reasons: (a) that a State-directed act of terrorism had posed a grave threat, not only to the safety of international civil aviation, but also to international peace and security; (b) that this had not been the first terrorist attack by North Korea against the Republic of Korea; that the 1983 bombing incident in Ran-

goon, which had been intended to kill the President of the Republic of Korea while on a State visit to Burma, had claimed the lives of 16 officials, including the Deputy Prime Minister, the Minister for Foreign Affairs, the Minister of Commerce and Industry, the Minister of Energy and Resources and the Secretary-General to the President; and that the official finding of the investigation by the Government of Burma had been that "the perpetrators were North Koreans acting under instruction of the Government of the Democratic People's Republic of Korea" following which Burma had withdrawn its recognition of North Korea and closed the North Korean Embassy in Burma; (c) that North Korea not only maintained that its involvement in the bombing in Burma and the sabotage against the KAL airliner had been concocted, but also argued that the Republic of Korea had committed those crimes, thereby dangerously implying that North Korea, which had consistently used international terrorism as an instrument of its national policy, might repeat its terrorist acts and that his Government hoped to deter North Korea from committing such acts in the future by bringing the matter before the Security Council; and (d) that the sabotage of a civilian airliner had been designed by North Korea as part of an attempt to disrupt the forthcoming Olympic Games in Seoul. The Minister for Foreign Affairs of the Republic of Korea referred to the document¹ submitted to the Council by his Government and said that, while that document contained a detailed picture of the incident, he would only highlight some of the important background and the key findings of the investigation. He then briefly described, on the one hand, the search efforts, immediately following the disappearance of Flight 858, undertaken by his Government and Korean Air Lines with the cooperation of the Governments of Burma, Thailand, India and other countries; and, on the other hand, the investigation which had begun by examining the identities of the passengers on board the airliner, particularly those that had disembarked at the flight's first stopover point in Abu Dhabi. He said that the investigation had led to suspicion focusing on two Japanese named Shinichi Hachiya and Mayumi Hachiya, who had been on board Korean Air Lines Flight 858 from Baghdad to Abu Dhabi and who, as it had later been discovered, had been travelling with forged Japanese passports. He said that the two suspects, while under questioning at the airport in Bahrain, had attempted to commit suicide by taking cyanide poison and that "Shinichi Hachiya" had died within hours, while the young woman, "Mayumi Hachiya", had survived. He stated that, since both Bahrain and the Republic of Korea were parties to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and, owing to the strong suspicion that the act of terrorism had been committed by North Korean agents, the Government of Bahrain had complied with the request of the Republic of Korea to hand over to it the surviving young woman, "Mayumi Hachiya", together with the remains of "Shinichi Hachiya", and all other evidence. He then recounted chronologically, detailing events between 12 and 29 November 1987, how two special agents of the Intelligence Department of the Central Committee of the North Korean Workers' Party had travelled from Pyongyang, via Moscow, Budapest, Vienna and Belgrade, to Baghdad, where they had boarded Korean Air Lines Flight 858 and from which they had disembarked at the Abu Dhabi airport after

²S/19489.

³S/PV.2791, pp. 2 and 3.

⁴Ibid., p. 6.

⁵For details, see chap. III of the present Supplement.

leaving a time bomb, disguised as a Panasonic radio, and liquid explosive in a liquor bottle in the compartment over their seats. He said that the two special agents, whose real names were Kim Sung-il, the team leader who committed suicide at Bahrain airport, and Kim Sung-hui, the young woman who had subsequently willingly confessed and helped in the reconstruction of the events, had been assisted at various points in their travel by North Korean "guidance officers"; and that they had been disguised as a Japanese father and daughter, after their acquisition in Austria of two forged Japanese passports with falsified exit stamps. He said that his Government had demanded on 15 January 1988 that North Korea apologize and punish those responsible, as well as renounce terrorism as an instrument of State policy, but that the North Korean response had been an allegation that South Korea itself had carried out the bombing of the airliner. He then stated that more than 60 Member States of the United Nations and a number of international organizations, including the International Federation of Airline Pilots Associations, had so far condemned the North Korean act of terrorism; and that many countries had imposed sanctions against North Korea, including severance of diplomatic ties. He concluded by stressing that his Government, despite North Korea's policy of rejection, had persistently pursued a policy of direct talks between the South and the North on the basis of the principle of national self-determination.⁶

At the same meeting, the representative of Japan said that his Government had requested the convening of the Security Council meeting particularly for the following reasons: (a) Japan had also been a victim of the incident, in that the North Korean agents had posed as Japanese nationals which, if their true identities had not been revealed, would have harmed Japan's relations with the Republic of Korea; and that the incident must be condemned as an attempt to escalate tension in East Asia and to jeopardize the peace and security of the region; and (b) the Government of Japan had gathered evidence substantiating the findings of the investigation by the Republic of Korea and such terrorist acts were a grave violation of international law threatening international peace and security. He recalled General Assembly resolutions 40/61 of 9 December 1985 and 42/159 of 7 December 1987, condemning all forms of terrorism as criminal, as well as the measures that had been taken by the International Civil Aviation Organization (ICAO) for the prevention of terrorist acts against civil aviation, and said that a State that organized, assisted or acquiesced in terrorist acts was not only violating its obligation under international law, but also undermining the framework of international cooperation for the prevention of terrorism. He stated that the Security Council, whose primary responsibility was the maintenance of international peace and security, must take the initiative to ensure that acts of international terrorism were prevented. He further recalled the 1987 General Assembly Declaration on enhancing the effectiveness of the principle of the non-use of force⁷ which, he said, together with General Assembly

resolution 42/159, underlined the recognition by the international community that terrorism jeopardized relations between States and posed a threat to international peace and security.⁸

At the same meeting, the representative of the Democratic People's Republic of Korea said that the United Nations, particularly the Security Council, should have on its agenda the issue of the relaxation of tension and ensuring peace and security on the Korean peninsula; but that, regrettably, the Council was currently discussing the so-called KAL incident, a matter which lacked credibility and which was far from the purposes of the Security Council. He stated that the Democratic People's Republic of Korea consistently pursued a policy which placed the highest value on the sovereignty and dignity of man; and that his Government was not only opposed to all kinds of terrorist acts, but that it also had no reason or purpose in destroying a South Korean civilian airliner. He then declared that his Government had nothing to do with the incident of KAL Flight 858 and categorically rejected the findings of the investigation by the South Korean authorities, contained in the document¹ before the Council, as a fabrication. He asserted that the KAL incident was "no more than a drama written and enacted by the South Korean authorities themselves" aimed at securing a victory in the presidential elections by giving the people a psychological shock over an alleged crime by the North. He further asserted that it was against that background that "Plan Memo-1" and its modified version "Plan Memo-2", had been devised, complete with operations guidelines and action tactics, to blow up the KAL passenger plane on the route "Baghdad-Abu Dhabi-Bangkok-Seoul", and to blame it on North Korean agents. He further contended that Japan had been involved in the drama of the KAL incident under the manipulation of the United States; and that the Japanese authorities were driving a wedge between the socialist countries and plotting to perpetuate the division of Korea, including a clamour about cross-recognition and simultaneous admission of the Koreas to membership in the United Nations.⁹

At the 2992nd meeting, on 17 February 1988, the representative of Yugoslavia said that international terrorism was a serious threat to cooperation and normal relations among States. He stated that the document¹ submitted to the Council by the Republic of Korea contained the assertions and conclusions of only one side and that the Council's debate should not lead to premature conclusions and condemnation before all the relevant facts had been established. He further stressed that the Council's discussion should not result in the exacerbation of the existing contradictions on the Korean peninsula, contrary to the interests of the Korean people and the efforts aimed at peaceful settlement of disputes in the region, to which the Security Council intended to contribute.¹⁰

At the same meeting, the representative of Nepal said that his Government had supported the request for a meeting of the Security Council to consider the Korean Air Lines incident primarily in defence of the principle that every State had the right to bring to the attention of the Security

⁶S/PV.2791, pp. 8-22.

⁷General Assembly resolution 42/22 of 18 November 1987, annex, entitled "Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations".

⁸S/PV.2791, pp. 23-26.

⁹Ibid., pp. 32-55.

¹⁰S/PV.2892, pp. 17 and 18.

Council or the General Assembly any situation that it felt was likely to endanger the maintenance of international peace and security, in accordance with the stipulation contained in Article 34 of the Charter of the United Nations. He further said that another important consideration in favour of inscribing the item on the Council's agenda had been that a meeting of the Security Council would give the international community an opportunity to be fully and authoritatively informed about the incident. He stated that his delegation had also supported the initiative of the non-aligned members of the Council to confine the debate to the parties directly concerned, without restricting the right of any Member State to participate; and that his delegation

was gratified that the Council would not be required to take any specific action at the end of the debate.¹¹

At the same meeting, the President of the Council observed that, while no participant in the discussion had defended the incident involving KAL Flight 858, all those that had taken part in the Council's debate had rejected attacks on civil aviation and deplored such attacks. He then stated that the Security Council would remain seized of the matter, and declared the meeting adjourned.¹²

¹¹*Ibid.*, pp. 49-51.

¹²*Ibid.*, p. 91.

33. LETTER DATED 11 MARCH 1988 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL AND COMMUNICATIONS REGARDING THE SITUATION IN THE REGION OF THE FALKLAND ISLANDS (ISLAS MALVINAS)

INITIAL PROCEEDINGS

Following a series of communications¹ addressed to the Secretary-General concerning the announcement by the United Kingdom of Great Britain and Northern Ireland of its intention to undertake military exercises in the Falkland Islands (Islas Malvinas) between 7 and 31 March 1988, the representative of Argentina, on 11 March 1988, addressed a letter² to the President of the Security Council requesting a meeting of the Council to discuss the situation created by that decision of the United Kingdom.

The Council considered³ the matter at its 2800th and 2801st meetings, held on the morning and afternoon of 17 March 1988. At the outset of the 2800th meeting, at their request, the Council invited to participate in the discussion, under rule 37 of the provisional rules of procedure, the representatives of Colombia, Costa Rica, Guyana, Mexico, Uruguay and Venezuela; in the course of that meeting, the Council further invited the representatives of Bolivia and Ecuador; and at the outset of the 2801st meeting, the Council invited the representatives of Guatemala and India. At the outset of the 2800th meeting, the Council invited under rule 39, at his request, the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Special Committee of 24).

At the 2800th meeting, the Minister for External Relations and Culture of Argentina stated that Argentina was not alone in its concern at the decision by the United King-

dom to conduct military manoeuvres on the Malvinas Islands: the Organization of American States, the Permanent Mechanism for Consultation and Concerted Political Action, composed of eight Latin American countries, and the Movement of Non-Aligned Countries had all expressed their concern. The British Government had decided to hold military exercises despite its own support for General Assembly resolution 41/11 of 27 October 1986, which declared the South Atlantic a zone of peace and cooperation. This was a clear expression of the United Kingdom's determination not to negotiate and not to settle its dispute with Argentina over the islands peacefully.

The United Kingdom had voted against General Assembly resolutions⁴ calling for a negotiated solution and had at the same time built up a demonstration of force in the islands. It was only open to negotiations that explicitly left aside the pivotal question of sovereignty. The British might argue that the two countries should begin with reciprocal confidence-building measures, but how could Argentina construe the establishment of reciprocal confidence by a country which, at the least explicable moment, had decided to carry out military manoeuvres in the disputed area? By contrast, Argentina, since the restoration of democracy in 1983, had made evident its determination to seek a negotiated solution; all Argentine initiatives, actions and behaviour since 1983 had been peaceful in nature.

The British attitude was in itself a threat to international peace and security because it disregarded negotiations as a basis for the settlement of disputes. The behaviour of the permanent members⁵ of the Council had a direct impact on the credibility of the collective security system; if a permanent member ignored the Charter what could be ex-

¹S/19500 from the representative of Argentina, dated 12 February 1988; S/19541 from the representative of the United Kingdom; S/19559 from the representative of Colombia on behalf of the countries members of the Group of the Permanent Mechanism for Consultation and Concerted Political Action (Argentina, Brazil, Colombia, Mexico, Peru, Uruguay and Venezuela), dated 29 February 1988; S/19564 from Argentina, dated 2 March 1988; and S/19579 from Argentina, dated 4 March 1988.

²S/19604.

³The Council included the item in its agenda under the heading "Letter dated 11 March 1988 from the Permanent Representative of Argentina addressed to the President of the Security Council (S/19604)".

⁴General Assembly resolutions 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986 and 42/19 of 17 November 1987.

⁵Several delegations participating in the debate referred to the special responsibilities conferred upon a permanent member of the Council in conjunction with its unique privileges and advantages, including Costa Rica (S/PV.2800, pp. 57-58), Venezuela (*ibid.*, p. 47) and Panama (S/PV.2801, pp. 27-31).