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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
EIGHT HUNDRED AND TWENTY-FIRST MEETING

Held at Headquarters, New York,
on Wednesday, 20 July 1988, at 3.50 p.m.

President: Mr. NOGUEIRA-BATISTA

(Brazil)

Algeria	Mr. DJOUDI
Argentina	Mr. DELPECH
China	Mr. LI Luye
France	Mr. BROCHAND
Germany, Federal Republic of	Mr. VERGAU
Italy	Mr. BUCCI
Japan	Mr. KAGAMI
Nepal	Mr. RANA
Senegal	Mr. SARRE
Union of Soviet Socialist Republics	Mr. LOZINSKIY
United Kingdom of Great Britain and Northern Ireland	Sir Crispin TICKELL
United States of America	Mr. WALTERS
Yugoslavia	Mr. PEJIC
Zambia	Mr. ZUZE

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The meeting was called to order at 3.55 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 5 JULY 1988 FROM THE ACTING PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/19981)

The PRESIDENT: In accordance with decisions taken at the previous meetings on this item, I invite the representative of the Islamic Republic of Iran to take a place at the Council table; I invite the representatives of Cuba, Gabon, India, the Libyan Arab Jamahiriya, Nicaragua, Pakistan, Romania, the Syrian Arab Republic and the United Arab Emirates to take the places reserved for them at the side of the Council Chamber.

At the invitation of the President, Mr. Mahallati (Islamic Republic of Iran) took a place at the Council table; Mr. San José (Cuba), Mr. Biffot (Gabon), Mr. Rath (India), Mr. Muntasser (Libyan Arab Jamahiriya), Mr. Serrano Caldera (Nicaragua), Mr. Umer (Pakistan), Mr. Tanasie (Romania), Mr. Al-Masri (Syrian Arab Republic) and Mr. Al-Shaali (United Arab Emirates) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT: The Security Council will now resume its consideration of the item on its agenda.

Members of the Council have before them document S/20038, which contains the text of a draft resolution prepared in the course of the Council's consultations.

I call on the representative of the Islamic Republic of Iran.

Mr. MAHALLATI (Islamic Republic of Iran): Mr. President, I should like to express to you the sincere appreciation of my Government for your efforts in leading the deliberations of the Council over this most tragic case of martyrdom of 290 innocent passengers of Iran Air flight 655, for your continuous co-operation with my delegation and for your extended efforts to guide the outcome of these

(Mr. Mahallati, Islamic
Republic of Iran)

deliberations. May I take this opportunity to express my gratitude and that of my Government to the delegations that spoke in this body and expressed their abhorrence over the shooting down of a commercial airliner by the uncontrolled naval forces of the United States. I should also like to thank all those delegations that expressed their support and sympathy to us outside the Security Council Chamber. Our thanks and appreciation go also to Mr. Perez de Cuellar, the Secretary-General of the United Nations, who has taken a constructive and positive role in this tragic issue.

The question under consideration in this Council for the past few days has been whether or not we are willing or have the ability to accept responsibility for conducting our international affairs in a civilized manner. The question is whether the unrestrained and disproportionate use of force in international relations can under any circumstances be considered a civilized mode of policy execution. The question is whether the destruction of a civilian airliner and its 290 passengers could under any pretexts, including that of self-defense, be perceived by the civilized world as a justified act, as the American administration has so arrogantly claimed. The statements in this Chamber over the last few days and public opinion the world over reflect the fact that a minimum degree of decency and civilized behaviour requires a better explanation for the murder of 290 innocent passengers than the excuses provided by the American administration.

(Mr. Mahallati, Islamic
Republic of Iran)

We believe that a responsible Government, under the present circumstances when it has caused the destruction of a civilian airliner and its 290 passengers, must urgently take three steps: It must apologize to the families of the victims and to the peoples and the Governments concerned; it must accept full responsibility for the downing of the airliner and offer reparation on the basis of its legal and moral liability; and it must reassess and revise policies which led to the downing of the plane and the murder of its innocent passengers.

We have seen that the United States Government has not acted responsibly. It has not apologized: it has paid lip service to, and expressed regret over, the loss of life. The United States Government has not accepted responsibility for its heinous act and has not offered full reparations: it has only added insult to injury by offering charity to the families of the victims. Most significantly, the United States has refused to give any indication of withdrawing from the crowded waters of the Persian Gulf and thereby eliminating the risk of committing the same crime again.

The position adopted by the United States has purposefully ignored a very important fact, a fact of which the Security Council is well aware and ought to consider very seriously. The undisputed fact is that it was not the Islamic Republic of Iran that started the war and the hostilities in the Persian Gulf. It is no secret that the Islamic Republic of Iran stands to gain more than any other littoral State from a peaceful Persian Gulf where freedom of commercial navigation is fully respected. That is common knowledge, and it does not take a genius to figure it out. The Secretary-General is fully aware, and can testify, that the Islamic Republic of Iran has always called for unconditional peace and security in the Persian Gulf.

(Mr. Mahallati, Islamic
Republic of Iran)

Having said that, I should like to ask the Council about the purpose of the United States provocations and its confrontation with us in the region. We believe that the United States behaviour in the Persian Gulf and the threat it has posed to our country have no objective other than to fan the fire there - a fire which Iran did not start and which runs counter to the interests of the Islamic Republic of Iran.

In the face of this crime, which has called the perpetrators - namely, the policy-makers in Washington - into serious moral, legal and political question, the Security Council is considering a draft resolution which, instead of condemning the culprit for its irresponsible and barbaric act, simply expresses the Council's deep distress. Yet it is a draft resolution which, however mild and moderate it may be, clearly illustrates the magnitude of the crime under consideration, because of a unique peculiarity.

The draft resolution under consideration lacks emphasis on the Islamic Republic of Iran's right under international law to redress and full reparation, a point which is absolutely essential for a position of principle by the Security Council.

When my Government decided to call on the Security Council to consider this heinous act we were not under any illusions in respect of the decision-making process in this body. We were aware that the culprit would also be the ultimate judge. The degree of justice we expected in respect of the final decision was accordingly very limited. In our decision to resort to this international body, however, we were guided by a higher principle: the principle of upholding the established norms of civilized behaviour, which preclude, among other things, the shooting down of civilian airliners.

(Mr. Mahallati, Islamic
Republic of Iran)

Therefore, notwithstanding these problems, we are ready for our part to comply with the draft resolution in order to enhance the authority of and respect for the international principles relevant to the safety of civilian aviation, which is so vital to our world today.

We welcome the Council's decision to stress anew the obligation of all parties to observe to the fullest extent, in all circumstances - with no ifs, ands, buts or excuses - the rules of international law concerning the safety of civil aviation, in particular those of the annexes to the Chicago Convention, in order to prevent the recurrence of incidents of the same nature.

The Islamic Republic of Iran looks forward to co-operating with the International Civil Aviation Organization (ICAO) in an immediate fact-finding investigation of this most tragic case, even though we believe that the facts are crystal clear.

We hope that other parties concerned too, especially the United States, will comply with the letter and spirit of the draft resolution so as to prevent the recurrence of such tragic cases and restore safety to civil aviation, and freedom of navigation to commercial shipping in the Persian Gulf.

Under the present circumstances, when the Islamic Republic of Iran has removed the last excuse for impeding the efforts of the Secretary-General to bring peace and security to the Persian Gulf and the whole region, it is high time the international community worked individually and collectively to assist the Secretary-General in putting an end once and for all to further loss of life in Iran and Iraq. It is high time all States concerned accepted responsibility for adopting policies conducive to achieving a permanent, just and honourable solution to the imposed war.

(Mr. Mahallati, Islamic
Republic of Iran)

To that end, the Islamic Republic of Iran immediately accepted the proposal of the Secretary-General and is ready to receive his technical team and to extend its fullest co-operation to the Secretary-General's efforts.

The PRESIDENT: I thank the representative of the Islamic Republic of Iran for the kind words he addressed to me.

Sir Crispin TICKELL (United Kingdom of Great Britain and Northern Ireland): We are most grateful to you, Mr. President, for your efforts to produce a draft resolution on which all can agree. We welcome the draft resolution contained in document S/20038 and we will support it.

We have considered carefully earlier draft texts. We had welcomed the reference in them to freedom of navigation and the need for full respect for it in the Gulf, as elsewhere. I therefore take this opportunity to reaffirm the importance my Government attaches to freedom of navigation in international waters in accordance with international law.

The PRESIDENT: I thank the representative of the United Kingdom for the kind words he addressed to me.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote. There being no objection, it is so decided.

A vote was taken by show of hands.

In favour: Algeria, Argentina, Brazil, China, France, Germany, Federal Republic of, Italy, Japan, Nepal, Senegal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, Zambia

The PRESIDENT: The result of the voting is as follows: 15 votes in favour. The draft resolution has been adopted unanimously as resolution 616 (1988).

I shall now call on those members of the Council who wish to make statements.

Mr. WALTERS (United States of America): Since this is the first opportunity I have had to do so, I should like to express the congratulations of my delegation and country to you, Sir, on the exercise of your functions as President of the Security Council. We know that your wise diplomatic background will enable you - and you have proved it to us - to conduct the Council's affairs with extraordinary skill and impartiality. As one who has close personal contact with your country, I am happy to reiterate these congratulations to you, as to your predecessor, Ambassador Marcelo Delpech, who exercised those functions last month.

This Council debate has taken place against the backdrop of a landmark event in our joint efforts to find a diplomatic solution to the eight-year-old Gulf war. With the Government of Iran's formal acceptance of resolution 598 (1987) - a resolution which Iraq accepted last year - a major step has been taken towards a negotiated settlement.

One year ago today, Secretary Shultz appeared before this body to underscore United States support for the Council's unanimous adoption of resolution 598 (1987) as

"a forceful action by the international community to bring about an immediate cease-fire and establish a framework for peace". (S/PV.2750, p. 19)

(Mr. Walters, United States)

On this anniversary of the adoption of resolution 598 (1987), we can all take pride in the Council's leadership and determination in helping to end this destructive conflict. Real progress has been made, although much hard work remains to achieve our common objective of a stable peace. We cannot afford to miss the opportunity before us; we must collectively redouble our efforts to make peace a reality.

The Security Council has met over the past several days to discuss a human tragedy - that of Iran Air 655. As Vice-President Bush stressed in his statement to the Council last week and as virtually every member of this Council has noted during the debate, the Airbus accident is only part of a much larger human tragedy: the Iran-Iraq war.

For a year now the United States has worked diligently, in co-operation with the Secretary-General and other Council members, to help end the fighting through the implementation of resolution 598 (1987), the agreed framework for a comprehensive, just, honourable and durable settlement. A large obstacle to progress has now been overcome. We welcome the declaration of the Iranian President, Mr. Khamenei, in his letter of 17 July to the Secretary-General that the Government of Iran formally accepts resolution 598 (1987). Coupled with the reaffirmation on Sunday by President Saddam Hussein of Iraq's long-standing agreement to accept resolution 598 (1987), the basis has been laid for an urgent and concerted effort by the parties to the conflict, the Secretary-General and the members of the Security Council to implement that resolution. We welcome the announcement today by the Secretary-General that he intends to dispatch a team headed by Lieutenant-General Martin Vadset to the area for urgent talks with the parties.

(Mr. Walters, United States)

The resolution adopted today stresses the need for full and rapid implementation of resolution 598 (1987). The two sides' acceptance of that resolution will not alone end the war; much remains to be done to achieve peace. We renew our call to both sides to seize this opportunity and to co-operate urgently with the Secretary-General in efforts to implement resolution 598 (1987) in all its aspects: most prominently an immediate cease-fire on all fronts, accompanied by withdrawal of all forces to international borders, full return of the prisoners of war, and formation of an impartial body to investigate responsibility for the conflict. If the parties to the conflict are prepared to make the necessary good-faith negotiating efforts and if the members of the Security Council are prepared to provide full and energetic support to the Secretary-General, success is achievable.

For over 40 years the central pursuit of United States policy in the Gulf region has been peace. Our diplomatic efforts and naval presence, as well as our support for the self-defence of friendly non-belligerent States, are integral elements of this policy. Working with our allies, we will remain steadfast in our efforts to end the Gulf war while protecting our vital interests in the region. In this regard we firmly call on all States to respect to the fullest extent the right under international law of free navigation in international waters in the Gulf. The principle of freedom of navigation is important to all the nations of the world. Indeed, it was precisely to ensure the right of the United States and other neutral shipping to such free navigation in accordance with international law that the United States and five allied countries expanded the Western naval presence in the Gulf. This resolution, of course, does not in any way change the context or scope of current international law on free navigation or the rights of belligerents or neutrals under international law.

(Mr. Walters, United States)

We intend to stick with our effective Gulf policy. As the Vice-President stated in this Chamber last Thursday, once tensions decrease and the threat to Western interests dissipates in the area, then the level of our naval presence will naturally be reduced. We reject any suggestion that the current Western naval presence in the Persian Gulf is somehow an intrusion; it is not. It is a force for peace. It is there in support of regional States whose interests and those of the West face a very real threat. The legitimacy of the Western naval presence in the Gulf is simply not subject to question.

The Iran Air 655 incident was a tragic accident. The United States has expressed its deep regret over the loss of life and has conveyed sincere condolences to relatives of the victims. As the Council is aware, the United States has offered to pay ex gratia compensation to the families of the victims - not as an act of charity, not on the basis of any legal liability but, rather, as a sincere humanitarian gesture. We do so without apology for the action of the Vincennes, which was taken in justifiable self-defence in the context of unprovoked attacks from Iranian forces, which bear a substantial measure of responsibility for the incident.

Having initiated our own military investigation, the United States joins in endorsing the actions taken by the Council of the International Civil Aviation Organization (ICAO) to commence its investigation of the Iran Air incident. We look forward to co-operating with ICAO in that investigation and in the efforts that the President of the ICAO Council and the ICAO Secretary-General will be undertaking to improve civil aviation safety in the Gulf and to study possible improvements in ICAO Standards and Recommended Practices generally to prevent a recurrence of tragic incidents of this kind.

(Mr. Walters, United States)

It is in this context that the United States lends its support to the resolution just adopted by the Council today. We believe this resolution puts the unfortunate events of 3 July in proper perspective. It is our hope that this action of the Security Council will serve as an urgent reminder to the international community that we cannot permit this senseless conflict in the Gulf to continue. The risks are too great and the price in human suffering and material destruction is too high. We members of the Security Council bear a special responsibility to provide leadership in this regard. Let us all rededicate ourselves to this vital task and do what we can to encourage the belligerents to walk through the door of opportunity now open before them into an era of lasting peace.

The PRESIDENT: I thank the representative of the United States of America for his kind words addressed to me.

Mr. LOZINSKIY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation voted in favour of the draft resolution on the tragic destruction of the the Iranian civil aircraft, a draft which was agreed upon during the course of consultations conducted by the President of the Security Council, the Ambassador of Brazil Mr. Nogueira-Batista, whose efforts we commend.

The statement by the Soviet delegation during the Council's discussion of this matter condemned the American actions that had led to the loss innocent life and reaffirmed its support of proposals to normalize the situation in the Persian Gulf.

In my delegation's view, the Council's discussions demonstrate that the majority of delegations have made an extremely accurate evaluation of what occurred and that they favour the adoption of measures to normalize the situation as soon as possible and to ensure security in the region. To a certain degree, this is reflected in the resolution the Council has just adopted.

In the Soviet Union, as was officially stated, we viewed with deep satisfaction the decision taken by Iran to acknowledge officially Security Council resolution 598 (1987). The USSR has always advocated, and continues to advocate, the speedy shifting of the Iran-Iraq conflict from the battlefield to the political negotiation table in order to achieve a just and comprehensive settlement on the basis of Security Council resolution 598 (1987). We support the Secretary-General's efforts to implement that resolution. The belligerents now have a chance to cease fire and to end their eight-year-old war.

We hope that the parties to the conflict, and the Security Council, will make full use of existing opportunities to achieve a settlement in the region on the

(Mr. Lozinskiy, USSR)

basis of resolution 598 (1987) and that all States will refrain from actions that might lead to a further escalation and expansion of the conflict.

Following the Geneva agreements on Afghanistan, the political settlement of the Iran-Iraq conflict should be another major step towards unblocking regional conflicts in order to build a nuclear-free, non-violent world based on the principles of comprehensive security.

The PRESIDENT: I thank the representative of the Union of Soviet Socialist Republics for his kind words addressed to me.

There being no further speakers, the Security Council has concluded its consideration of the item on the agenda. In coming to the end of our deliberations I should like to place on record my very special thanks and appreciation for the co-operation that I, as your President for the month of July, have received from each of the delegations, and also from the representative of the Islamic Republic of Iran, in a manner that made it possible for us to adopt the resolution by a unanimous vote. Thank you very much.

The meeting rose at 4.25 p.m.