

STATEMENT DISCOURS



NOTES FOR A STATEMENT BY THE
CANADIAN REPRESENTATIVE TO
THE EXTRAORDINARY SESSION
OF THE ICAO COUNCIL

MONTREAL,

SEPTEMBER 15, 1983

CHECK AGAINST DELIVERY

The Council is meeting today in emergency special session at the request of the Governments of the Republic of Korea and Canada. We are meeting to consider as urgently as possible the events surrounding the deplorable destruction on the first of this month of a civilian aircraft of Korean Air Lines while on a regularly scheduled flight from Anchorage, Alaska to Seoul, Korea. This destruction entailed the loss of the lives of all 269 passengers and crew members who were aboard the aircraft, a Boeing 747 designated as KAL flight 007. There were ten Canadians among those killed. We are meeting to consider as well what measures might and should be taken by the International Civil Aviation Organization and its member states to ensure that there will be no recurrence of this tragic incident. It is to this aspect of our deliberations that my Government attaches particular importance.

The destruction of the Korean Air Lines aircraft by a Soviet military aircraft has outraged both Canadian and world opinion. It has been condemned as barbarous and murderous by many of the governments of states members of this Organization and of this Council. It has been the subject of emergency consideration by the Security Council of the United Nations and during that consideration there were repeated demands that everything possible should be done to prevent any repetition ever again of what was deliberately done on September 1, 1983. More specifically, there have been repeated calls, during the Security Council's consideration of this destruction, upon ICAO to become involved actively in the pursuit of this endeavour. We are here to concentrate our efforts on that objective and we must base our efforts on the technical expertise available to us and not on our emotions, no matter how justifiably they have been aroused.

My own Government was among the first of those to seek to involve ICAO. On September 2, 1983, the Canadian Permanent Representative to the United Nations, the Honourable Gérard Pelletier, said in his first address to the Security Council on this subject that Canada considered "that the International Civil Aviation Organization...should be requested to carry out an urgent and thorough investigation of the incident with a view to making recommendations for the improvement of international civil aviation regulations and practices which will preclude ever again the repetition of such an incident." This suggestion was endorsed by many subsequent participants in the Security Council's deliberations and was welcomed widely by the media in most parts of the world.

The draft resolution submitted to the Security Council on September 8, 1983, by the governments of Australia, Canada, Fiji, France, Japan, Malaysia, Netherlands, New Zealand, the United Kingdom and the United States specifically welcomed "the decision to convene an urgent meeting of the Council of the International Civil Aviation Organization (ICAO) to consider the Korean Airliner incident" and urged "all States to cooperate fully with the 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". It is regrettable, to say the least, that the adoption of that resolution was only prevented by the exercise by the Soviet Union on September 12, 1983, of its veto in the Security Council. It is all the more incumbent now on the International Civil Aviation Organization to assert its responsibility and authority in an area which is undeniably within its competence.

It is the earnest hope of the Canadian Government that this Council, and subsequently the ICAO Assembly, will heed urgently and with the utmost care this call for action. In the view of my Government, the first requirement is that there should be a thorough, impartial and expeditious investigation into all relevant circumstances surrounding the destruction on September 1, 1983, of the Korean Airlines aircraft. The legal basis for the investigation includes inter alia Article 55 (e) of the Chicago Convention.

The investigation should be divorced, to the extent possible, from political considerations. It should cover the period between preparations for the flight and the crash of the aircraft. It should be undertaken by a group of experts, drawn entirely from the Secretariat if possible. If some special expertise not available within ICAO is required for a particular aspect of the investigation, it should be sought in another international organization. If it cannot be found there, it would be permissible to go outside. In any event, the expert or experts would, for the purpose of the investigation, be working as part of an ICAO team.

The Government of the Soviet Union should be asked to preserve and make available wreckage and other relevant evidence until the Council has considered the results of the investigation. In addition, the Government of the Soviet Union should take every means to facilitate the investigation, including granting access to such locations as the investigating team deems necessary to visit in order to fulfill its mandate. I would note in this regard that a resolution

adopted unanimously by the Canadian House of Commons on September 12, 1983 included the following provision: "Demands that the Soviet Government cooperate fully in any impartial investigation under the auspices of the United Nations and of the International Civil Aviation Organization to prevent any repetition of such a tragedy." I have asked that the text of this resolution be distributed to all members of ICAO.

The Secretary General should be requested to keep the Council informed, by memorandum, of the action taken pursuant to its directive to him pending submission of the report on the investigation.

It is our judgement that with the full cooperation of all parties concerned such an investigation could be accomplished by the end of October this year at the latest. We would hope that an interim report could be presented to the Council within the next fourteen days.

A second requirement, which we consider could be fulfilled in parallel with the conduct of the investigation, is for an urgent examination of whether all the relevant provisions of the Chicago Convention and its annexes are being fully implemented by its contracting states, whether these provisions are adequate and to what extent they need to be amended or supplemented, and, in particular, ways to improve the compatibility of communications systems between military and civil aircraft and between such aircraft and ground systems, and measures to improve procedures relating to the identification and interception of civil aircraft. It is our view that this examination and preparation of recommendations could be entrusted to the Air Navigation Commission and that its report too should be submitted to the Council by the end of October at the latest.

When these two reports are available, the Council should meet again early in November to consider them and prepare recommendations for submission to the Assembly as soon as possible. If necessary, the Assembly should meet in special session to take appropriate action on the Council's recommendations.

My Delegation has been working, both independently and in cooperation with other concerned delegations, on the preparation of what we hope will be a draft resolution suitable for adoption by the Council. The resolution will be intended

to set in train the investigation and examination which I have just outlined, and it is my fervent hope that it will commend itself to the unanimous support of the Council. Our duty is clear. The means to fulfill it are at our disposal. It remains only that we should demonstrate the will to do so. Here, at least, that will cannot be frustrated by the exercise of any veto. Its expression can only be denied by our own failure to accept the responsibility of responding to the confidence vested in us by the overwhelming majority of the international community.