



# Statements and Speeches

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## KOREAN AIRLINE INCIDENT ISSUE AT UN SECURITY COUNCIL (1)

Statement by the Honourable Gérard Pelletier, Permanent Representative, Ambassador for the Permanent Mission of Canada to the United Nations, to the Security Council, New York, September 2, 1983.

Mr. President: I am grateful to you and to the Council for giving Canada an opportunity to participate as an aggrieved party in this emergency debate, the call for which my government strongly supported in its letter to you, Sir, of yesterday evening. In this day of international travel, we are dealing with an incident which has touched directly many members of the United Nations family and which touches, by extension, all nations. In the case of my country, at least eight of our citizens were on board the Korean Airlines *Boeing 747* Flight 7 of August 31. The Canadian people, no less than their government, are horrified and outraged by what has happened. There can be no justification, whatever might have been the circumstances, for this demonstration of the willingness of a super-power to exercise its military might against the unintentional presence in its air space of innocent civilians, and to destroy, in this instance, 269 lives.

The deliberate in-flight destruction of this civilian, unarmed, easily identifiable passenger aircraft by sophisticated fighter aircraft of the Soviet Union, no matter where it occurred, is nothing short of murder. It is a flagrant attack on the safety of international civil aviation which should never have occurred and must not be allowed to occur again. After condemning this act, the Council should begin an urgent process in an impartial and effective manner to prevent any repetition of such an insult to humanity.

From the point of view of international law and accepted practices governing conduct between law-abiding sovereign nations, the Soviet Union in this incident has been guilty of outlaw behaviour.

It is widely accepted, in international law, that the principle of proportionality applies. The action of the Soviet Union in dealing with this incident is without doubt in total contravention of this principle. Moreover, the Soviet action, in the absence of any state of hostility or even heightened international tension in the area, makes it all the more unjustifiable.

It would be ludicrous for the Soviet Union to pretend that it had to massacre 269 civilians, travelling on a civilian aircraft, to protect its sovereignty. The opening of fire on the Korean aircraft was in excess of what is commensurate with the gravity of the threat represented by the presence of a civilian aircraft in the Soviet air space and, therefore, the Soviet Union has infringed on a basic principle of international law.

The United Nations and its system of international organizations has the ability and machinery in place to undertake the task before us. It remains for the Security Council to provide the impetus to ensure that it is undertaken and completed promptly and effectively. On behalf of my government, I should like to suggest a three-part program of action for consideration.

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First, we consider it essential that there be a full and impartial inquiry into the incident to determine all the relevant facts and circumstances. This will demand the complete and open co-operation not only of those states directly involved in this tragic incident, but also of those like Canada who have a deep humanitarian concern, whether stemming from the deaths of their own citizens or more broadly based on their basic respect for human values. We consider that the UN Secretary-General is best placed to carry out this function and that it should be completed as rapidly as possible. The Secretary-General should be asked to report back to the Council as a matter of the utmost urgency.

Second, we consider that the International Civil Aviation Organization (ICAO), in co-operation with the Secretary-General of the United Nations, 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.

We assume that the government of the Soviet Union will co-operate fully with this investigation. If this incident were only a tragic accident, the Soviet Union would be required under the Chicago Convention to carry out its own investigation. Since this catastrophe was the result of a deliberate act, it is even more compelling upon the Soviet Union to facilitate the ICAO investigation in every way.

Third, and as an interim measure pending the outcome of this inquiry and review of international civil aviation regulations and practices, we consider that the Soviet Union should be called upon, for urgent humanitarian reasons, to pay immediate compensation to the families of the victims in a full and generous manner. I could recall precedents for the voluntary payment of prompt compensation in similar circumstances. This process, where necessary, can be facilitated and assisted by organs such as the International Committee of the Red Cross.

The Canadian government offers these suggestions, in the hope that they may facilitate not only the debate on which we are now embarked but also additional endeavours to be undertaken elsewhere in the United Nations system and, I hope, by the author of this horrible tragedy. This Council must ensure that this will be the last such incident to arouse universal indignation.

The consideration of this grave situation must not be animated by any desire for polemics, but rather by what should be our common concern for life and safety. We trust, therefore, that the deliberations of this Council, and the effective action it must take, will not be frustrated by the exercise of the veto. Any such tactic would be unconscionable and would be widely — and rightly — interpreted as a tacit admission of culpability.

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