

**UNITED
NATIONS****S****Security Council**Distr.
GENERALS/17796/Rev.1
6 February 1986

ORIGINAL: ENGLISH

LIBYA - ISRAEL - DIVERSION OF AIRCRAFT - UN DRAFT RESOLUTIONCongo, Ghana, Madagascar, Trinidad and Tobago and United
Arab Emirates: revised draft resolutionThe Security Council,Having considered the item contained in document S/Agenda/2651,Having noted the contents of the letter from the Permanent Representative of the Syrian Arab Republic addressed to the President of the Security Council (S/17788),Having heard the statement of the representative of the Syrian Arab Republic concerning the act of aerial hijacking and piracy perpetrated by the Israeli airforce against a Libyan civilian aircraft in the international airspace,Recognizing that acts of aerial hijacking or other wrongful interference with civil air travel jeopardize the lives and safety of passengers and crew,Considering that this act by the Israeli airforce constitutes a serious interference with international civil aviation, and a threat to security and stability in the region,Recognizing that such an act violates the provisions of international conventions safeguarding civil aviation,

1. Condemns Israel for its forcible interception and diversion of the Libyan civilian aircraft in international airspace, and its subsequent detention of the said aircraft;

2. Considers that this act by Israel constitutes a serious violation of the principles of international law, and in particular the relevant provisions of the international conventions on civil aviation;

3. Calls on the International Civil Aviation Organization to take due account of this resolution when considering adequate measures to safeguard international civil aviation against such acts;

4. Calls on Israel to desist forthwith from any and all acts endangering the safety of international civil aviation and solemnly warns Israel that, if such acts are repeated, the Council will consider taking adequate measures to enforce its resolutions.

A vote was taken by show of hands.

In favour: Bulgaria, China, Congo, Ghana, Madagascar, Thailand, Trinidad and Tobago, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela

Against: United States of America

Abstaining: Australia, Denmark, France, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT (interpretation from French): The result of the voting is as follows: 10 in favour, one against and 4 abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Security Council

I shall now call upon those representatives who have asked to be allowed to make statements after the voting.

Mr. HDGJE (Australia): May I take this opportunity, Sir, to welcome you to the presidency and to assure you of our co-operation and our pleasure at working with you. May I also take this opportunity to thank Ambassador Luye of China for the fine job he did last month and to welcome our new colleague, Ambassador Aguilar of Venezuela.

Many of the issues which come before this Council are complex and difficult. In recent weeks we have had to consider incidents subject to a range of different interpretations as to their nature and significance. The issue before the Council today raises important questions of principle. During the debate there has been mention of the necessity of taking appropriate measures to counter terrorism, a proposition which in general we readily support. There has also been considerable attention to the importance of observing international conventions safeguarding civil aviation - again, a proposition we readily support

There have been disagreements between some participants in the debate as to the applicability of these two considerations in the present circumstances. There is no denying the importance of the principles involved, and in this case the facts are quite clear. The Israeli authorities do not deny that they used force to divert a private Libyan aircraft while it was in international airspace.

In a statement made by the Australian Foreign Minister, Mr. Hayden, on 6 February, the Australian Government deplored the interception of the Libyan aircraft over international waters by the Israeli air force. Mr. Hayden said such interceptions could hardly ever be justified and could not be in this case.

While we understand Israel's motives in seeking to act against international terrorism, this interception of a civil aircraft in international airspace cannot be justified.

Australia was a member of the Security Council in 1973, when the Council unanimously condemned Israel's action in a somewhat similar incident over Lebanon. Resolution 337 (1973) drew attention to the fact that such acts could jeopardize the lives and safety of passengers and crew and that they violated international conventions safeguarding civil aviation.

We believe that in the present case also the Council should have sent a clear and united message, namely that international civil aviation conventions should be scrupulously observed. The Australian delegation worked with others to secure a resolution which would send just that message. We had hoped that this was within our grasp, and we regret that a vote had to be taken on the draft resolution in its existing form.

As will be clear from my earlier remarks, there is much in the draft resolution Australia could support. However, it contains some references - for example that to piracy - which do not accord with our position. Australia therefore felt obliged to abstain.

*[The result of voting was 10 in favour: Bulgaria, China, Congo, Ghana, Madagascar, Thailand, Trinidad and Tobago, USSR, UAE, Venezuela, Against, USA; abstaining, Australia, Denmark, France, UK, The draft resolution was therefore not adopted].