

Translation of a document written in the English language

COUNCIL – 142nd SESSION
SUMMARY REPORT OF THE FIRST MEETING
(Council Chamber, Monday 25 April 1994, 14:30)

PUBLIC MEETING

Chairman of the Council: Dr Assad Kotaite
Secretary: V Sukhov, Secretary General in office

PRESENT:

Germany	T Schmidt
Saudi Arabia	S Al-Ghamdi
Argentina	JL Peralta Monti
Australia	MW Wilkes (Alt)
Belgium	A Kundycki
Brazil	A de L Gil
Canada	GH Duguay
China	Ruiling Lu
Colombia	E Henao
Egypt	NH El Aasar
Ecuador	WE Birkett
Spain	L Adrover
United States	D Newman
Russian Federation	VA Rouchkine
France	X Fels
Indonesia	EA Silody
Iceland	G Matthiasson
Italy	R Ruggiero
Japan	M Mukai
Morocco	M El Amiri
Mexico	J Pérez y Bouras
Nicaragua	EA Bohorquez Ocampo
Nigeria	DO Eniojukan
Pakistan	KM Ahmed
Senegal	CM Diop
Czech Republic	O Vodicka
United Republic of Tanzania	L Mollel
United Kingdom	DS Evans

ALSO PRESENT:

F Frochaux (Alt)	Belgium
MA Kraan	Belgium
JF Murphy (Alt)	Canada
A Lisboa (Alt)	Ecuador
J-C Bugnet (Alt)	France
P Langumier (Alt)	France
H Christensen (Alt)	Iceland
J Sanchez Gutierrez (Alt)	Mexico

SECRETARIAT

WR Fromme	D/ANB
RD Van Dam	A/D/LEB
M Krull	DD/ANB
JD Chagas	C/COM
CE Frostell	TO/AIG
JV Augustin	LEB
ME Graham	Personal assistant to the Chairman
C Rideout	CSO

1. The Council observed a minute's silence in tribute to the memory of Cyprien Ntaryamira, President of Burundi, and Juvénal Habyarimana, President of Rwanda.

2. The Chairman welcomed Mr CM Diop, who was sitting on the Council for the first time in his new capacity of representative of Senegal, and Mr EA Silooy, representative of Indonesia newly appointed to the Council. The Chairman paid tribute to Mr P Diouf, former representative of Senegal, for his cooperation and the importance he attached to the work of the Council.

Chairman's report on the missions

3. The Chairman of the Council gave a brief report, pending the presentation of a more detailed report, on his recent missions in Africa from 12 to 20 April 1994. Accompanied by the representative of the ICAO, Central and West African Office, the Chairman visited Cameroon, the Ivory Coast, Senegal and Cape Verde where he met with high-level authorities. He had the opportunity to see the airport infrastructures close-up and to examine the situation faced by air transport in these countries; he also visited the Ecole Régionale de Sécurité Incendie (ERSI) [Regional Fire Safety College], a fire and safety training centre recently founded by the ASECNA in Douala, Cameroon. The Chairman observed during his

mission that civil aviation in the countries he visited – and perhaps over the whole of the African continent – was going through a very delicate and difficult phase. The situation would have to be resolved and technical cooperation reinforced on a multilateral basis and on a bilateral basis. Following the devaluation of the CFA monetary unit, air carriers in the countries affected had had to deal with very difficult economic circumstances. The Chairman met with the presidents of Air Africa and the airlines of Cameroon, which had been obliged to increase their prices by 60%, making the operating cost in Africa extremely high compared to elsewhere. Furthermore, the prices of replacement parts, which were in a strong currency, had practically doubled. This had serious economic and financial consequences. To discuss the aviation situation, the Chairman met with the representative of the World Bank in Yaoundé (Cameroon) and the Vice President of the African Development Bank in Abidjan (Ivory Coast) and stressed the need to increase assistance to civil aviation in Africa. The representative of Cameroon on the Council participated in all the Chairman's meetings in Yaoundé and in Douala. The Chairman thanked the representative of Cameroon for the excellent arrangements he made concerning his visit.

4. In response to an invitation from the government of Senegal and Cape Verde to try and find a solution to the provision of air navigation services between the flight information regions (FIR) of Dakar and Sal Oceanic, following Recommendation 5/9 of the CAR/SAM/2 regional air navigation meeting (Santiago, Chile, 2-19 May 1989), the Chairman visited these two countries. Since the date of the CAR/SAM/2 some informal meetings have been held by the representative of the Regional Office of the ICAO in Dakar, and the Chairman also discussed the subject twice, with the delegations of Cape Verde and Senegal in Abidjan in April 1992, and also in Montreal on 9 October 1992, after the 29th Session of the Assembly. The Chairman was pleased to announce that he reached a solution with the full agreement of Cape Verde and Senegal concerning the extension to the south of the provision of air traffic services by the regional control centre of the Sal Oceanic flight information region. He expressed his gratitude for the cooperation of Cape Verde and Senegal for the trust these two governments put in ICAO, and particularly in himself, by inviting him to intervene as arbitrator between the two countries.

5. The representative of Senegal congratulated the Chairman for the positive results of his recent trip to Africa and welcomed the satisfactory developments that accompanied the implementation of the Recommendation 5/9 of the CAR/SAM/2. The agreement reached between Cape Verde and Senegal reflected the excellent relations between the two countries and the consummate capacity of the Chairman to reconcile views that could have seemed irreconcilable at the beginning. The representative of Senegal expressed his profound gratitude for the Chairman's efforts in this respect.

Point n° 14: Subjects linked to air navigation

Request by Belgium pursuant to article 54(n) of the International Civil Aviation Convention –
Inclusion of a point in the Council's work programme for the 142nd Session

6. The Council considered the above subject on the basis of C-WP/9973 and the memo PRES AK/405 of 18 April 1994 of the Chairman, to which the Chairman attached the request of the Belgian government, presented by its representative, Mr A Kundycki.

7. The representative of Belgium indicated that the dramatic incident that occurred in Kigali airport on 6 April 1994 and which resulted in the destruction of an aeroplane and the death of its crew and the passengers on board constituted, in the eyes of his government, an attack against the security of international civil aviation. Citing article 54(n) of the Chicago Convention, Belgium wished this point to be studied by the Council such that the ICAO could undertake an investigation in order to establish the facts and circumstances which resulted in this tragic incident. The Belgian government considered that this incident concerned the international community, since the airport of Kigali is an international airport to which several airlines have regular flights. Since the announcement of this incident, his government had decided to suspend the flight authorisations which had been granted to a national airline offering services to the airport of Kigali. Without prejudice to the decision that the Council will make in this respect, the Belgian representative wished to stress that its government offered its full collaboration in the efforts made to shed light on this tragedy.

8. The representative of Mexico asked for clarification of a series of points linked to this request from the Belgian government, wishing to know, firstly, if the Council had all the possible information on this subject available at the time, or if further information was awaited. The representative of Mexico stressed the importance that his government accorded to issues of sovereignty; in this respect, he wished to know whether a State could request that the ICAO intervene in an accident or incident which did not occur on its territory. He also asked whether the incident concerned a civil or governmental aeroplane. This latter point was also commented on by the representative of the United Kingdom, who observed that the request of the Belgian government had been brought before the Council on the basis of the fact that the incident constituted a serious attack on the security of civil air navigation; unless the Council had clear information concerning the type of aeroplane, governmental or civil, however, we could only assume that this was a civil situation. The representative of Saudi Arabia shared the concern of the previous speakers, and saw a need for clarification of these points in view of their importance for the issue of sovereignty and for the mandate of the Council as stipulated in article 54(n).

9. In responding to certain questions put forward by the representative of Senegal, the representative of Belgium indicated that the aeroplane that had been attacked had not been registered in Belgium and had not flown over Belgium. Concerning a third point raised by the representative of Senegal, the representative of Belgium indicated that he had no information indicating whether or not there were Belgian nationals among the victims of the tragedy.

10. The representative of Pakistan supported the questions asked previously, adding a request for clarification with regard to the issue of knowing whether or not the Council could deal with the request of the Belgian government in the absence of a request from the government of Rwanda.

11. The representative of the United Republic of Tanzania expressed his profound sorrow in relation with the recent tragedy, which had affected Burundi, a neighbour of his country, and hoped that a solution would quickly be found to the deplorable situation in Rwanda, where anarchy was continuing to reign after the incident. The representative of the United Republic

of Tanzania felt that much more information should be obtained before the Council could consider the subject, and felt that the situation in Rwanda and Burundi at this time was such that an investigation resulting in a successful conclusion was physically impossible.

12. The representative of the United States understood the concerns of the other speakers, but suggested that the fact that certain questions had even been asked was a sign that the Council could include this point in its agenda in order to obtain the necessary answers. Some of these questions could enable the Council to advance or prevent it; as the previous speaker indicated, however, confusion was reigning in Rwanda and some points would be better clarified if the subject was on the Council's work programme.

13. The representative of Nigeria had no objection to placing the request from the Belgian government onto the Council's work programme, insofar as this didn't necessarily mean that the ICAO would ultimately grant the request. The Council should have the opportunity to discuss certain things later, after obtaining the necessary clarifications, and this required the inclusion of this subject in the work programme. The representative of Nigeria believed that the Belgian government probably had a particular interest in the development of the events in Rwanda, a country which was formerly under its administration. He believed that comparable situations had already occurred in the past, when a Georgian aeroplane was attacked in 1993 and when an aeroplane transporting the Secretary General of the United Nations, Mr Dag Hammarskjöld, was shot down in the Congo in 1961. The representative of Nigeria wished to know what role the Council had played in these situations.

14. The representative of Nigeria also wished to know whether the Organisation had received a request from the United Nations in connection with the incident that had recently occurred, and which had more than likely had the result of losses within the ranks of the United Nations. It could also be the case, considering the aggravating circumstances currently prevailing in Rwanda and the abovementioned link between Rwanda and Belgium, that the Rwandan government had been in communication with the Belgian government in connection with actions that Belgium could take on its behalf. The representative of Nigeria wished to

know whether this had been the case, because the request brought before the Council did not explicitly mention that there had been such correspondence. The representative of Nigeria had also observed that the Burundian government, which had also been affected, was not experiencing the same internal agitation as that currently reigning in Rwanda. Given that the Burundian government would probably be very interested in any investigation which may finally be conducted into the case, the representative of Nigeria wished to know whether the Organisation had received a request or communication from this government.

15. The representative of Japan observed that the two issues raised previously by the representative of Mexico during the meeting were extremely wise and constituted fundamental factors for the consideration of this case by the Council, and that the other issues raised by the representatives of Senegal, Pakistan and Nigeria were also relevant. These points should however be considered in more detail after approval of Belgium's request for inclusion in the Council's work programme. The representative of Japan offered all his support to the Belgian government's request, simply because he did not want to close the door on a more in-depth examination of this case. The representative of Spain observed that the many questions raised at this meeting in themselves justified the insertion of this point. The representative of Spain agreed that, given that the incident occurred in an international airport, all the international communities had an interest in ensuring that such an incident never happened again. The representative of Italy shared the views expressed by the representatives of the United States, Japan and Spain, and suggested that the best way of dealing with some of these important issues now before the Council would be to add this point to the work programme, providing the decision to undertake the investigation was made only after receipt of additional information.

16. The representative of Egypt maintained that the Council could not continue to discuss this point before the status of the aeroplane was clarified. The representative of Egypt referred to the memo PRES AK/406 which the Chairman of the Council had circulated, earlier in the day, among the representatives of the Council.

To this memo was annexed a verbal note presented to Canada and its representative with the ICAO by the Ambassador of Rwanda, and which would be used as basic information for a later meeting if the Council decided to include this point in its work programme. On the basis of this verbal note, the representative of Egypt observed that the government of Rwanda intended to conduct an investigation and had removed the flight recorder from the wreckage of the aeroplane; the representative of Egypt believed that Rwanda should be given the opportunity to conduct an investigation. In examining the verbal note, the representative of Egypt observed that the political elements of the problem made it appropriate for discussion within the forum of the United Nations as opposed to the ICAO. The representative of the Czech Republic wished to associate itself with the stances expressed by the representatives of Mexico, the United Kingdom and Egypt.

17. The representative of France observed that the request from the Belgian authorities followed on from a tragic event that everybody deplored and that its country, in particular, regretted since there were three French nationals on board the aeroplane. The representative of France reiterated the very close links between its country and the two countries from where the Presidents had lost their lives. Its administration wished for all light possible to be shed on the tragic event and hoped that there would be a favourable response to any request from Rwanda concerning the conducting of an investigation, whether this request be transmitted to the ICAO or the Belgian government. The representative of France noted with gratitude the desire expressed by Belgium to cooperate in this investigation and reiterated, on behalf of its country, its trust in the Chairman of the Council to exercise a mission of help and support with regard to the Rwandan authorities. He had seen adequate justification for the insertion of this point into the Council's work programme and would therefore join in any condemnation of attacks targeting the security of the aeroplanes that the Council could declare in response to this extremely tragic incident.

18. While taking account of the comments made by the representatives of Mexico and Egypt, the representative of Argentina believed that sufficient arguments had been put forward during the meeting to justify the insertion of the point in the work programme of the 142nd Session. The representative of Iceland also wanted to join forces with the speakers who had asked for the insertion of this point on the work programme of the Council.

19. The representative of Ecuador was not opposed to the request from the Belgian government, but did not see how the Council could, at this stage, discuss the subject without adequate information on a series of important points, in particular the issue of knowing whether the aeroplane was civil or governmental, because this element would determine whether the ICAO had the legal capacity to deal with the case. While recognising the importance of this event for civil aviation throughout the world, the representative of Ecuador also envisaged it in the context of the existing work programme of the Council which, during its last Session (141st), had referred a series of very important subjects to the 142nd Session. The representative of Ecuador therefore wished to join in the concerns and reserves expressed by the representatives of Mexico and the United Kingdom, and wished particularly to join forces with the comments of the representative of Egypt, given that the verbal note annexed to the memo PRES AK/406 was not, in his opinion, suitable for consideration by a technical organisation such as the ICAO.

20. Certain clarifications were then provided by the Chairman of the Council, who firstly thanked Mr S Al-Ghamdi, First Vice Chairman of the Council, for the attention he gave to this point and to other important affairs having arrived on the Chairman's desk during his absence. The Chairman indicated that since the release of his memo PRES AK/405 of 18 April 1994, to which the request from Belgium was annexed, efforts had been made to obtain as much information as possible concerning this tragic incident. The Belgian government had not given any information other than that expressed currently before the Council. The Regional Office of Nairobi, which was accredited with Rwanda and Burundi, had been contacted several times. On Friday 22 April 1994, the Chairman received certain factual information from the ICAO rep in Nairobi concerning elements such as the type of aeroplane, its registration in Rwanda, its departure from the airport of Dar-es-Salaam to Kigali and then Bujumbura, and its operator, the Rwandan government. The representative of ICAO in Nairobi however indicated that this information needed to be confirmed and therefore the Chairman was currently unable to say whether the attacked aeroplane was a governmental aeroplane or a civil aeroplane. Other contacts will be necessary before it is possible to provide this information. The Chairman added that the ICAO rep in Nairobi had this morning informed headquarters that the wreckage of the presidential aeroplane was absolutely inaccessible and that it was not possible, at the moment, to conduct an investigation.

21. In response to the question raised earlier by the representative of Pakistan, the Chairman confirmed that the Council could grant the request of the Belgian government in the absence of a request from Rwanda, since article 54(n) of the Convention stipulates that, within the framework of its mandate, the Council may “consider any matter relating to the Convention that a signatory State may submit to it”. The Chairman stressed, however, that article 54(n) specifically mentions “any matter relating to the Convention”; if the aeroplane was not a civil aeroplane, there would be no function of authorised representative by the Council because it could not consider matters outside of the scope of the Convention.

22. Referring to the two cases mentioned by the representative of Nigeria, the Chairman indicated that the Organisation had not received any request for an investigation into the Georgian aeroplane struck down in 1993, and that he did not know whether the country itself, Georgia, had undertaken an investigation. The Chairman reiterated the declaration that he had made to the Council concerning Georgia (140/1 Public); at this time the Organisation had also taken all necessary measures in contacting the States concerned such that NOTAMs were published in order that the civil aeroplanes could avoid the zones of hostilities. With regard to the 1961 incident, when an aeroplane transporting the Secretary General of the United Nations, Mr Dag Hammarskjöld, crashed and Mr Hammarskjöld was killed, the Chairman explained that it had not been incumbent upon ICAO to conduct an investigation, but that on the request of the United Nations the ICAO had provided two experts to represent the United Nations during the Rhodesian investigation.

23. The Chairman then referred to the memo PRES AK/406 that he had circulated earlier in the day among the representatives, and explained that he had not intended to discuss the memo at this meeting; he had however felt that the verbal note annexed to the memo was of extreme importance, considering the information it contained, and that it had to be provided to the representatives on the Council. The Chairman mentioned in his memo PRES AK/406 that the verbal note could provide the basic information for a later meeting. Following the example of previous cases when he had specified certain dates for future meetings in view of

the importance of the case to be discussed, the Chairman mentioned 2nd May 1994 as possible date for a meeting; however this date had not been fixed because the Chairman was aware that it could prove difficult to plan a meeting before certain information was available.

24. The Chairman indicated that the Rwanda contingents were provided by the governments, but were under the administration of the United Nations; on Friday 22 April 1994, the Chairman had sent copies of his memos PRES AK/405 and PRES AK/406, with their annexes, to the Secretary General of the United Nations, indicating that he would keep them informed of the developments and would appreciate, in return, receiving any information that may become available. At the time the Chairman left his office to come to this meeting, he had not received any written or telephone communication from the head office of the United Nations in New York.

25. Thanking the Chairman of the Council for the clarifications he had just provided, the representative of the United Kingdom observed that the question of knowing whether the incident affected a civil or a governmental aeroplane would determine whether or not the Council could grant Belgium's request. Considering the opinions expressed until now, the representative of the United Kingdom had the impression that the Council was disposed to include this point in its work programme if it received information confirming that the aeroplane was a civil aeroplane. The representative of Mexico stressed that although he was not against the insertion of this point into the work programme of the Council, this decision could only be made in the light of information concerning the status of the aeroplane. In view of the political connotations of the issue, it would be necessary for at least some of the representatives, including himself, to consult their administrations. The representative of Mexico would therefore like the Council not to continue to discuss this subject before having full information.

26. The representative of Belgium explained that his government understood that this meeting was aimed only at determining whether or not the Council was disposed to include an examination of the Belgian request in its work programme. He therefore agreed with the speakers who indicated that the issue was not about determining whether ICAO would or would not conduct an investigation. The representative of Belgium supported the representatives who had said that the questions raised until now deserve a more in-depth

study, and that to this end the request from the government must be introduced into the Council's work programme. With regard to the status of the aeroplane, the Belgian representative indicated that if the Council decided to insert Belgium's request into its work programme, and subsequently information was received indicating that the aeroplane was indisputably a governmental aeroplane, the Belgian government would fully understand that the Chicago Convention would not apply to the incident and that it would no longer be possible for Belgium to cite article 54(n). The representative of Belgium however referred to the study of the Secretariat concerning the "civil/governmental aeroplane" concept examined by the Council during its 140th Session (140/8) and sent to the Legal Committee for examination during its 29th Session. On the basis of this study, the representative of Belgium had reasons for believing that the aircraft – which, until evidence was received to the contrary, was not used for military, police or customs purposes – must be considered to be a civil aircraft. This is why the Belgian government had brought this case to the attention of the ICAO. The representative of Belgium stressed that its government was very prudent in its respect for procedures and international legislation and acknowledged that any investigation conducted by the ICAO must comply with the procedures of the Organisation, while respecting the principles of the Chicago Convention concerning the sovereignty of States.

27. The representative of Senegal thanked the representative of Belgium for the clarifications provided earlier in the meeting in response to a number of points it had raised with a view to determining the extent to which Belgium's request was founded and could be admitted by the Council. Given that a series of points concerning the incident needed to be clarified, the representative of Senegal wished to join forces with the views expressed by the representatives of Mexico, the United Republic of Tanzania, Egypt and Ecuador since, pending confirmation of certain information, it would be premature to include this point in the work programme of the Council for the 142nd Session.

28. The clarifications provided earlier by the Chairman of the Council concerning the Council's mandate pursuant to article 54(n) of the Convention were subject to certain

comments. The representative of Germany stressed that the definition of “governmental aeroplane” was a delicate subject on which the Council had not yet made a decision, and wished to know whether a simple confirmation of the question of knowing whether it was the Rwandan government which was operating the aeroplane would suffice to establish that it was a governmental aeroplane, or whether a precise indication would be necessary that this was a governmental aeroplane in compliance with what we believed to be the current interpretation of article 3(b) of the Convention.

29. The representative of Pakistan noted that the interpretation given by the Chairman could be extended to a situation where the ICAO could undertake an investigation without a request from the State where the incident occurred. The representative of Pakistan issued certain reserves in this respect, because what concerned him was that in such circumstances the State concerned could denounce the ICAO’s investigation and consider it to be interference in its internal affairs. Although article 54(n) could authorise the ICAO to undertake an investigation, the representative of Pakistan felt that, for practical necessity, the State concerned should associate itself with this request, and noted that on the basis of the verbal memo PRES AK/406 that this was not the case at the moment. The representative of Pakistan also suggested that the more general provision of article 54(n) was perhaps intended to apply to cases which were not covered by more specific clauses of the Chicago Convention, and that in this respect the question of knowing whether or not an investigation could be conducted was dealt with more precisely in article 26 (Investigation into accidents), which referred to accidents of an aeroplane of one contracting State occurring on the territory of another contracting State. Additional information may confirm that the incident was an internal problem not covered by the provisions of the Chicago Convention.

30. The views expressed by the representative of Pakistan were supported by the representative of the United Republic of Tanzania, who noted in the verbal memo that the Rwandan government intended to undertake an investigation. As it was necessary to avoid situations where parallel investigations are conducted, the representative of the United Republic of Tanzania hoped in fact that the decision of the Council would only be made when appropriate communication had been received with regard to the action undertaken in Rwanda via the means already established by the Chairman. The representative of the United

Republic of Tanzania also pleaded in favour of further consultations with the headquarters of the United Nations, which had a more complete and balanced view of the situation in Rwanda and which could therefore provide the ICAO with sound advice with regard to knowing whether or not it should conduct an investigation. The representative of the United Republic of Tanzania stressed that, in the current situation in Rwanda, it would be extremely important for the ICAO or the United Nations to benefit from the cooperation of the competent authorities in Rwanda in order to be able to conduct a successful investigation.

31. A suggestion put forward by the representative of Mexico to postpone a more in-depth consideration of the subject until the Secretary General had obtained sufficient information was supported by the representatives of Ecuador and Senegal, who had difficulties in understanding why the Regional Office of Nairobi was encountering problems in obtaining conclusive information with regard to the status of the aeroplane which was attacked, since this aeroplane was undertaking an international flight in compliance with established procedures. The representative of Argentina also commented on this point.

32. The representative of Canada spoke of the interest and the concern of its government with regard to recent events in Rwanda and indicated that Canada was not taking seriously the request made by Belgium or the verbal note of the Ambassador of Rwanda in Canada and its representative in the ICAO, annexed to the memo PRES AK/406. Having listened to the different opinions expressed during the meeting, the representative of Canada offered his support to the suggestion of the representative of Mexico, with an amendment: the Council having to ask its Chairman to pursue its contacts with a view to obtaining fuller and confirmed information on the basis of which the Council could, in good time, determine whether or not it could pursue this subject.

33. The representative of Morocco indicated that his country was also very interested in recent developments in Rwanda and considered that since the aeroplane was carrying two Heads of State, the question would be relevant not only for a group of neighbouring countries, but also for the international community. His delegation would have preferred to see the United Nations take the initiative in establishing whether there should be an international investigation into this tragic incident, but understood the request presented by the Belgian

government and thought that the best solution would be to support the proposal put forward by the representative of Mexico, with the amendment proposed by the representative of Canada. The amended proposal was supported by the representatives of the Russian Federation and Australia.

34. A detailed summary was provided by the Chairman of the Council on the developments linked to Belgium's request, which his office had received on Friday 15 April 1994 and which he had communicated to the representatives under the cover of the memo PRES AK/405 on Monday 18 April 1994. The Chairman, who was on a mission in Africa at this time, had held a telephone call with the First Vice-Chairman of the Council, Mr S Al-Ghamdi, the representative of Belgium, his own office, the Senior Legal Advisor acting as director of the Legal Office, Mr R&D Van Dam, and Mr V Zubkov, the Secretary General in office. The headquarters immediately contacted the Regional Office of Nairobi, passing on Belgium's request to it and asking it to provide the ICAO with information on the matter. On 20 April 1994, the Chairman received a communication from the ICAO rep in Nairobi, acknowledging receipt of the Chairman's request and indicating that the Regional Office of Nairobi had asked for the relevant available information and would come back to him on the subject as soon as possible. On 22 April 1994, the Chairman received a further communication from the ICAO rep in Nairobi, providing the information mentioned in paragraph 20 of this report and also indicating that the aeroplane, with three members of the crew, crashed onto the landing strip n° 28 in Kigali, that official reports cited that the aeroplane was fired at from the ground, that the meteorological conditions were good in Kigali, that all people on board had been killed in the accident, and that unconfirmed reports indicated that the aeroplane had been substantially damaged by rocket fire. The Regional Office of Nairobi had received this information by telephone from the Director of Civil Aviation in Burundi, who had promised to send other information to the ICAO rep in Nairobi by fax. At the time the ICAO rep in Nairobi sent this information to the Chairman, communications by fax between Nairobi and Bujumbura were impossible.

35. The Chairman indicated that, on his instructions, A/D/LEB had, earlier in the day, contacted the Regional Office of Nairobi by telephone in order to obtain further information. The representatives of the United Nations Assistance Mission In Rwanda (UNAMIR) at the airport of Kigali had informed the ICAO rep in Nairobi of the inaccessibility of the presidential aeroplane, to which it was referred in paragraph 20 of this report. The ICAO rep in Nairobi had informed A/D/LEB that at the moment it was impossible to obtain details about the aeroplane and about its operation, other than those it had provided in its communication of 22 April 1994. The pilots seemed to have been of French nationality and held civil licences. The flight was organised in accordance with civil procedures (flight plan/air traffic control) and the aeroplane and its crew had been provided within the framework of a technical cooperation programme. This information would need to be confirmed, and the ICAO rep in Nairobi was monitoring the situation closely.

36. The Chairman of the Council indicated that he was in contact with the Ambassador of Rwanda in Canada; earlier in the day he had also telephoned the Ambassador of Burundi and sent a second communication to the Secretary General of the United Nations, as followed by the communication mentioned in paragraph 24 above.

37. In the light of the declarations made and the clarifications provided during the discussion, the Council, on the suggestion of its Chairman, suspended any consideration of Belgium's request until fuller and confirmed information was available on certain points raised during the debate. It was understood that no meeting would be planned to discuss the matter until the necessary information was available. To this end, the Chairman indicated that he would be in personal contact with the Secretary General of the United Nations, and that contacts would continue, via the Secretariat, with the Regional Office of Nairobi and with the governments of Burundi and Rwanda.

38. The representative of Belgium acknowledged the decision of the Council, which he would communicate to his government.

Point n° 6.3: Election of Chairmen and Members of the Subsidiary Committees of the Council

Appointment of a member of the Air Navigation Committee

39. The Council appointed Mr Atsushi Shimamura (nominated by the Japanese government) as member of the Air Navigation Committee in replacement for Mr K Nakatsubo, with effect from 25 April 1994. The appointment was presented in C-WP/9971.

40. The meeting was closed at 16:45.

For translation *ne varietur*

22 November 1995

The sworn translator

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