

3. *Considers* that the application of Title X of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, in a manner inconsistent with paragraph 2 above would be contrary to the international legal obligations of the host country under the Agreement;

4. *Considers* that a dispute exists between the United Nations and the United States of America, the host country, concerning the interpretation or application of the Agreement, and that the dispute settlement procedure set out in section 21 of the Agreement should be set in operation;

5. *Calls upon* the host country to abide by its treaty obligations under the Agreement and to provide assurance that no action will be taken that would infringe on the current arrangements for the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York;

6. *Requests* the Secretary-General to continue in his efforts in pursuance of the provisions of the Agreement, in particular section 21 thereof, and to report without delay to the Assembly;

7. *Decides* to keep the matter under active review.

104th plenary meeting  
2 March 1988

## B

*The General Assembly,*

*Recalling* its resolution 42/210 B of 17 December 1987 and bearing in mind its resolution 42/229 A above,

*Having considered* the reports of the Secretary-General of 10 and 25 February 1988,<sup>1</sup>

*Affirming* the position of the Secretary-General that a dispute exists between the United Nations and the host country concerning the interpretation or application of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, dated 26 June 1947,<sup>2</sup> and noting his conclusions that attempts at amicable settlement were deadlocked and that he had invoked the arbitration procedure provided for in section 21 of the Agreement by nominating an arbitrator and requesting the host country to nominate its own arbitrator,

*Bearing in mind* the constraints of time that require the immediate implementation of the dispute settlement procedure in accordance with section 21 of the Agreement,

*Noting* from the report of the Secretary-General of 10 February 1988<sup>3</sup> that the United States of America was not in a position and was not willing to enter formally into the dispute settlement procedure under section 21 of the Agreement and that the United States was still evaluating the situation,

*Taking into account* the provisions of the Statute of the International Court of Justice, in particular Articles 41 and 68 thereof,

*Decides*, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, in pursuance of Article 65 of the Statute of the Court, for an advisory opinion on the following question, taking into account the time constraint:

In the light of facts reflected in the reports of the Secretary-General,<sup>1</sup> is the United States of America, as a party to the Agreement between the United Nations and the United States of America regarding the Headquarters

of the United Nations,<sup>2</sup> under an obligation to enter into arbitration in accordance with section 21 of the Agreement?

104th plenary meeting  
2 March 1988

## 42/230. Report of the Committee on Relations with the Host Country

*The General Assembly,*

*Having considered* the reports of the Secretary-General of 11 and 16 March 1988,<sup>4</sup>

*Guided* by the purposes and principles of the Charter of the United Nations and, in particular, the provisions of Chapter XVI,

*Recalling* its resolutions 42/210 B of 17 December 1987 and 42/229 A and B of 2 March 1988,

*Recalling* that the United Nations was created with the aim, *inter alia*, as defined in the Charter, "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained",

*Recalling* that the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, dated 26 June 1947,<sup>2</sup> was drawn up in accordance with the Charter, in particular Articles 28 and 105 thereof,

*Concerned* that the application to and enforcement against the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York of Title X of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, would impede the realization of the aims of the United Nations,

*Expressing its appreciation* to the International Court of Justice for having unanimously adopted an order on 9 March 1988 accelerating its procedure on the request submitted by the General Assembly for its advisory opinion on "the applicability of the obligation to arbitrate under section 21 of the United Nations Headquarters Agreement of 26 June 1947",

*Expressing grave concern* about the attitude of the Government of the host country as expressed in the letter dated 11 March 1988 from the Acting Permanent Representative of the United States of America to the Secretary-General,<sup>3</sup> which states, *inter alia*, that "the Attorney General of the United States has determined that he is required by the Anti-Terrorism Act of 1987 to close the office of the Palestine Liberation Organization Observer Mission to the United Nations in New York, irrespective of any obligations the United States may have under the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations",

*Expressing serious alarm* at the warning contained in that letter that "if the PLO does not comply with the Act, the Attorney General will initiate legal action to close the PLO Observer Mission on or about March 21 1988",

1. *Strongly supports* the position taken by the Secretary-General and expresses its great appreciation for his reports;

<sup>1</sup> A/42/915/Add.2 and 3.

<sup>2</sup> A/42/915/Add.2, annex 1.

2. *Reaffirms* that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York is covered by the provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations<sup>2</sup> and that the Palestine Liberation Organization has the right to establish and maintain premises and adequate functional facilities and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions;

3. *Affirms* the crucial importance of the Agreement and consequently the arrangements mentioned in paragraph 2 above concerning the functioning of the organs of the United Nations, including the General Assembly, at Headquarters in New York;

4. *Determines* that the application to and enforcement against the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York of Title X of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, is inconsistent with paragraph 2 above and is contrary to the international legal obligations of the host country under the agreement;

5. *Reaffirms* that a dispute exists between the United Nations and the United States of America, the host country, concerning the interpretation or application of the Agreement, and that the dispute settlement procedure provided for under section 21 of the Agreement, which constitutes the only legal remedy to solve the dispute, should be set in operation, and requests the host country to name its arbitrator to the arbitral tribunal;

6. *Requests* the Secretary-General to continue his efforts to ensure the proper constitution of the arbitral tribunal provided for under section 21 of the Agreement;

7. *Deplores* the failure of the host country to comply with its obligations under the Agreement;

8. *Urges* the host country to abide by its international legal obligations and to desist from taking any action inconsistent with paragraph 2 above;

9. *Notes* the fact that, within the text of its order, the International Court of Justice on 9 March 1988 took note of paragraph 5 of General Assembly resolution 42/229 A;

10. *Requests* the Secretary-General to take adequate measures on a preliminary basis, if necessary, in order to ensure the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York;

11. *Further requests* the Secretary-General to report to the General Assembly without delay on developments in this matter;

12. *Decides* to keep the matter under active review.

*109th plenary meeting  
23 March 1988*

#### **42/231. Special plan of economic co-operation for Central America**

*The General Assembly,*

*Recalling* its resolution 42/1 of 7 October 1987, in which it expressed its firmest support for the agreement on "Procedures for the establishment of a firm and lasting

peace in Central America",<sup>6</sup> signed by Central American Presidents at Guatemala City on 7 August 1987, at the Esquipulas II summit meeting, and its resolution 42/204 of 11 December 1987, in which it requested the Secretary-General to formulate, in consultation with the Governments of the region and the appropriate organs and organizations of the United Nations system, a special plan of co-operation for Central America to be submitted for consideration by the General Assembly at its current session,

*Bearing in mind* the Joint Declaration of Central American Presidents, issued at San José on 16 January 1988,<sup>7</sup> and the agreement adopted at Guatemala City on 7 April 1988<sup>8</sup> by the Executive Commission, composed of the Central American Ministers for Foreign Affairs in accordance with the agreement concluded at the Esquipulas II summit meeting,

*Reiterating its appreciation* to the Contadora Group and the Support Group for their contribution to the peace process in Central America,

*Noting with satisfaction* the Joint Political Declaration<sup>9</sup> and the Joint Economic Communiqué<sup>10</sup> adopted by the European Community and the States parties to the General Treaty on Central American Economic Integration and Panama at the Ministerial Conference on Political Dialogue and Economic Co-operation between the European Community and its member States, and the States of Central America and of the Contadora Group, held at Hamburg, Federal Republic of Germany, on 29 February and 1 March 1988,

*Considering* that fulfilment of the agreement concluded at the Esquipulas II summit meeting and the implementation of a special plan of economic co-operation for Central America require political will and determination so that peace and development can be consolidated in the region,

*Reaffirming its conviction* that peace and development are inseparable,

*Deeply concerned* about the emergency situation in Central America and alarmed by the seriousness of the economic and social crisis it is facing,

*Aware* of the complexity and seriousness of the situation of the refugees and displaced persons in the Central American region, and of its effect on the social and economic development of the area,

*Convinced* of the urgent need for concerted action by the international community in support of the commitments made by the Central American countries to improve the living conditions of their peoples and to achieve social justice as a foundation for a stable and lasting peace.

1. *Expresses its appreciation* to the Secretary-General for formulating and submitting the Special Plan of Economic Co-operation for Central America,<sup>11</sup> prepared in accordance with General Assembly resolutions 42/1 and 42/204;

2. *Also expresses its appreciation* for the important support provided by the United Nations Development Programme, the Economic Commission for Latin America and the Caribbean and the various regional integration and co-operation bodies in the preparation of the Special Plan;

3. *Requests* the Secretary-General, with the assistance of the United Nations Development Programme and in close

<sup>6</sup> A/42/521-S/19085, annex.

<sup>7</sup> A/42/911-S/19447, annex.

<sup>8</sup> A/42/948-S/19764, annex.

<sup>9</sup> A/42/258, annex I.

<sup>10</sup> *Ibid.*, annex II.

<sup>11</sup> A/42/949, annex.